

ZONING CHANGE REVIEW SHEET

CASE: C814-2012-0160 P.C. DATE: 03/12/2013; 04/09/2013;

211 South Lamar PUD 04/23/2013; 05/14/2013;

05/28/2013

ADDRESS: 211 South Lamar Boulevard AREA: 0.933 Acres (40,641 sq. ft.)

OWNER: Post Paggi, LLC (Jason Post)

APPLICANT: Winstead PC (Amanda Swor)

ZONING FROM: CS & CS-V;

General Commercial Services & General Commercial Services -

Vertical Mixed Use Building

ZONING TO: PUD; Planned Unit Development

NEIGHBORHOOD PLAN AREA: Zilker

(South Lamar Combined Neighborhood Plan Area)

SUMMARY STAFF RECOMMENDATION

To Grant Planned Unit Development (PUD) District Zoning

PLANNING COMMISSION ACTION:

May 14, 2013

April 23, 2013

April 9, 2013

Postponed to May 28, 2013 at the request of the applicant.

Postponed to May 14, 2013 at the request of City staff.

Postponed to April 23, 2013 at the request of City staff.

Postponed to April 9, 2013 at the request of City staff.

WATERFRONT PLANNING ADVISORY BOARD ACTION:

April 8, 2013 Recommended to deny PUD rezoning [Motion by Board

Member Walton; Seconded by Board Member Rindy. Passed 4-1-2. Board Member Schultz Opposed; Board member

Zickert Abstained; Board member Pilgrim Recused].

March 11, 2013 Postponed to April 8, 2013 at the request of neighborhood

stakeholders.

ENVIRONMENTAL BOARD ACTION:

March 20, 2013 Recommended no recommendation on the proposed Planned

Unit Development: 211 South Lamar Blvd C814-2020-0160 [Motion by Chair Maxwell, Seconded by Board Member Neely;

Passed 6-0-1, Board Member Schissler Absent]

Recommended approval of the environmental treatment proposed in the 211 South Lamar Blvd PUD C814-2020-0160. [Motion by Board Member Neely, Seconded by Board Member Anderson; Failed 2-4-1, Board Member Schissler Absent]



ISSUES:

The 10-acre Requirement

One of the Tier 1 requirements for a Planned Unit Development (PUD) reads: a PUD district must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. Tier 1 requirements are those that are to be met by all PUDs. However, the City Council has the legislative authority to determine whether PUD zoning is appropriate regardless of whether the proposed development meets the standards prescribed.

As discussed in the Basis for Land Use Recommendation, staff thinks the site, at less than 1 acre, is characterized by special circumstances given it is surrounded by public rights-of-way, City-owned property, and existing development, including historically zoned property. Whether the Planning Commission and City Council concur with staff that the site is characterized by special circumstances is an open question, and subject to their discretion.

Provision for Affordable Housing

The Density Bonus section of the PUD ordinance requires affordable housing or fee-in-lieu of for residential development that exceeds height, floor-area-ratio (FAR) or building coverage over a baseline amount. As written, the PUD ordinance requires affordable units or fee-in-lieu of for the entire habitable square feet of the PUD. Planning and Development Review Department staff believes the intention of the ordinance was that affordable housing or fee-in-lieu of be provided for 10% of the square footage above the baseline amount.

In this case, the existing zoning of CS allows a 2:1 FAR; with existing bonus provisions of the Waterfront Overlay, the site could be developed at an FAR of 3.2:1. The applicant is proposing a FAR of 5.0:1, resulting in an additional 73,154 square feet of habitable space. The fee-in-lieu of is 60% of the Interim Downtown Density Bonus rate, or \$6/square foot. The applicant is proposing to pay a fee equal to an amount of \$6 per square feet on the entire amount of square footage above the baseline.

Please see the memo from Neighborhood Housing and Community Development that directly follows this Zoning Change Sheet regarding this issue, and a response from the applicant.

Open Space

A PUD's Tier 1 requirements for the provision of open space are 10% for residential and 20% for nonresidential; candidacy for Tier 2 superiority requires an additional 10% above the Tier 1 minimum. For this project as currently envisioned, that would equate to 4,215 square feet at Tier 1 and 4,636 square feet at Tier 2, when based on a 202,796 square foot building.

There is no specification in the PUD requirements what type of open space is required. When the Development Assessment was reviewed, and when the application was submitted, a request was made by the applicant to include part of the non-public open space towards the open space requirement. This has been listed in previous staff reports as one of the six proposed modifications to the LDC sought in the PUD.

Such a modification, or variance, is not required. An ordinance adopted in December 2011 provides for Private Common Open Space and Private Personal Open Space, and addresses how Condominium Residential Use open space requirements are to be met in



conjunction with Design Standards and Mixed Use. Essentially, this ordinance recognizes that a private residential building on private property but with public interfaces and spaces, may have different open space needs or offer different amenities than a multifamily or non-mixed use project. It also recognizes there is a difference between open space that can be used by residents and their guests, versus the general public. Upon refinement of the proposed development, the applicant has determined their common open space amount, which includes a public plaza, outdoor sitting areas, and certain-sized landscaping amenities, is 3,446 square feet. The Private Common Open Space, which includes a pool area and residents'-only patio, will be approximately 5,882 square feet; above grade open space is credited at a 30% rate, or in this case 1,391. Taken together, the public open space (3446) and private common open space (1391) equals 4837, which is above the 4,636 required by Tier 2.

The balconies serving the individual units are considered Private Personal Open Space, but are not required to be included in meeting open space requirements. Similarly, water quality treatments – which can be included in meeting open space requirements, have not been included in the public or private common open space calculations.

The Tier 1 & 2 Compliance Table and Land Use Plan included with this report (please see Exhibits B) reflects this update (see Land Use Plan note # 37). Compliance with open space requirements is the purview of the City's Parks and Recreation Department. Staff from that Department have reviewed the proposed open space provisions, and have concurred with the applicant's proposal (see Exhibit D-99).

Board and Commission Consideration and Recommendations

The proposed PUD application does not seek any variances to the Waterfront Overlay District/Butler Shores Subdistrict land uses or development regulations under LDC Section 25-2; nor does it seek environmental variances under LDC Section 25-8. Nonetheless, presentation to, and consideration by, the Waterfront Planning Advisory Board and the Environmental Board were required.

In the case of the Waterfront Planning Advisory Board (WPAB), because the subject tract is within the Butler Shores Subdistrict of the Waterfront Overlay District, its proposed rezoning must be considered by the WPAB, and a recommendation regarding that rezoning application provided to the Planning Commission. In the case of the Environmental Board, because the rezoning application is for PUD zoning, their consideration of any environmental elements that meet and/or exceed environmental requirements of the LDC is required as part of the PUD process.

To help evaluate the superiority of the proposed PUD, the applicant developed summary tables that highlighted compliance with the Waterfront Overlay requirements and Environmental code, as well as identifying those proposals which provided superiority (please see Exhibit E). Although Environmental review staff had concluded the application was environmentally superior as pertains to the proposed water quality controls and tree preservation, the Environmental Board did not concur the project was environmentally superior, and a motion to recommend the proposed environmental features as such failed. The Environmental Board also specifically approved a recommendation to not make a recommendation as to whether the property should be rezoned PUD. The WPAB considered the PUD application on April 8, and a recommendation to deny PUD zoning was approved.



The WPAB and Environment Board are advisory boards. The Planning Commission and City Council are not bound by their recommendations, and with one exception a simple majority is required in terms of voting requirements. The exception is that should the Planning Commission recommend denial of a PUD request, a supermajority of the Council is required to approve such a request.

Petition

A petition has been submitted in opposition to the rezoning request by the Bridges On The Park (BOTP) Condominium Association, Inc. The petition was first submitted on December 11, 2012, when the PUD application was still in its Development Assessment phase. The petition was reaffirmed by the HOA as recently as February 28, 2013. However, because the property comprises 14.2% of the eligible property, it does not meet the threshold to establish a valid petition (please see Exhibit P). The petition, even if filed by a single property, however, represents 104 residents. Additional correspondence from the BOTP Board, the Zach Theatre, and individual property owners objecting to the proposed PUD has been submitted to staff (see Exhibit C). Also within Exhibit C is a request to the Waterfront Planning Advisory Board for postponement by the Zilker Neighborhood Association, and a table of notes on the proposed PUD; these were distributed to the Board on March 11, 2013.

Illustrations

In response to a request from the Waterfront Planning Advisory Board, the applicant has provided illustrations of the project (see Exhibit I). A site plan, renderings, or other illustrations may be conceptual in nature, may not necessarily comply with all aspects of the Land Development Code, have not been reviewed by staff for compliance, are not required as part of the rezoning request, and are not in any way binding on the applicant or formally incorporated into an application.

DEPARTMENT COMMENTS:

The subject tract consists of 0.933 acres located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive (please see Exhibit A-1). The proposal consists of a mixed-use development comprised of approximately 175 condominium residential units and 10,000 square feet of retail, restaurant and other pedestrian-oriented uses.

The property contains an existing Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract has approximately equal frontage on each of the abutting streets, perhaps slightly more on West Riverside Drive, where it lies across from the Pfluger Pedestrian Bridge (please see Exhibit A-2). To the west is City-owned property housing the Zach Theatre, which was recently redeveloped, and Parks and Recreation Department headquarters; to the east is also City-owned property, currently used as the Butler Park Pitch and Putt. To the south lie the Paggi House restaurant and the Bridges On The Park, a residential condominium development (please see Exhibit A-3 for a recent aerial image).

The subject property is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district (please see Exhibit A-4). The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District, though it is outside the specified primary and secondary setbacks. Although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway; so the property is distinguished with a Scenic Roadways Overlay. Additionally West Riverside Drive and South Lamar Boulevard are defined as Core Transit Corridors.



The property is located within the Zilker neighborhood, but does not have a Future Land Use designation because the South Lamar Combined Neighborhood Plan effort, which combined Zilker, Barton Hills, Galindo, and South Lamar neighborhoods, has been suspended. As such, there is no neighborhood plan or future land use map to consult in determining the staff recommendation. Per the recently adopted comprehensive plan, South Lamar Boulevard is identified as an Imagine Austin activity corridor on the Growth Concept Map, and may be served by high capacity bus service in the future. It is also identified as part of the potential Shoal Creek/West Bouldin Creek Urban Trail. However, the area is not further identified as one of the growth centers on the Growth Concept Map.

With a proposed base zoning district of CS, the PUD proposal seeks the following modifications or variances to the Code:

- 1) Allow a maximum height of 96 feet;
- 2) Allow a minimum front yard setback of 0 feet;
- 3) Allow a minimum street side yard setback of 0 feet;
- 4) Allow a maximum floor-to-area ratio of 5:0; and
- 5) Allow maneuvering in the right-of-way along Lee Barton Drive (as pertains to loading and unloading facilities 9.3.0 #3 of the TCM)

Despite a base zoning district of CS, the PUD also seeks to prohibit almost all other commercial uses, but retains the right to have condominium and multifamily residential, small-scale cocktail lounge or liquor sales, and additional pedestrian-oriented uses. The PUD proposal itself varies from the Code in that the site is less than 10 acres, but is constrained on three sides by existing public roadways, and on the fourth side by an existing condominium development and restaurant. In support of the requested PUD zoning, the applicant is offering a number of design innovations, participation in affordable housing and art in public places programs, enhanced bicycle facilities, and other items considered superior according to the PUD requirements for Tier 1 and 2 (see Exhibit B for a chart listing all superiority items and associated Land Use Plan with Notes page reflecting these items).

The review of a proposed PUD is an iterative one, beginning with the Development Assessment stage. Submitted on October 26, 2012 as Case # CD-2012-0021, a briefing was provided to the Council on December 13, 2012, at which time Council Members provided feedback on the proposal. The PUD application was formally submitted on December 19, 2012. Staff's initial review comments were issued on January 11 and a formal update was provided by the applicant on February 1. The applicant has continued to work with staff from various departments and disciplines through meetings and informal updates to clear any remaining comments or questions (see Exhibit D for application and staff comment materials).

As the application was reviewed and refined, there were several iterations of the Tier 1 & 2 Compliance Table and Land Use Plan, especially as it related to water quality and transportation. Other modifications reflected confirmation of specific terms, such as the size and duration of providing space for the City's Parks and Recreation Department. None of these iterative copies have not been included in exhibits (save for the initial submittal and first response in Exhibit D), in part because they were interpreted by staff as "current" and not necessarily "final" versions, and because the most up-to-date version of the Table and Plan were always provided to Boards and the Commission as a separate exhibit (see Exhibit B). The versions of the Plan and Table included with this report reflect changes to notes



numbered 22 (a clarification of the design characteristics of the building) and 37 (an update to the provision of open space since a waiver is not required).

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
Site	CS & CS-V	High Turnover Restaurant
North	P	COA Park and Pfluger Pedestrian Bridge landing
South	CS; CS-1; CS-H	Bridges on the Park Condominium; Paggi House Restaurant
East	Р	COA Park (Currently Butler Park Pitch-and-Putt)
West	P; CS-1; CS-V; CS	COA Park, PARD Headquarters; Zach Theatre; Schlotsky's Restaurant

AREA STUDY: No WATERSHED: Lady Bird Lake

TIA: Not Required DESIRED DEVELOPMENT ZONE: Yes CAPITOL VIEW CORRIDOR: No HILL COUNTRY ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

Original Austin Neighborhood Association	57
Zilker Neighborhood Assn.	107
Bouldin Creek Neighborhood Assn.	127
South Central Coalition	498
Austin Neighborhoods Council	511
Austin Independent School District	742
Home Builders Association of Greater Austin	786
Save Our Springs Alliance	943
Save Town Lake.Org	1004
Homeless Neighborhood Organization	1037
Bouldin Creek Neighborhood Planning Team	1074
League of Bicycling Voters	1075
Perry Grid 614	1107
Austin Parks Foundation	1113
Super Duper Neighborhood Objectors and Appealers Organization	1200
Austin Monorail Project	1224
Sierra Club, Austin Regional Group	1228
The Real Estate Council of Austin, Inc.	1236
Austin Heritage Tree Foundation	1340
BPOE 201 Elks Lodge	1346
SEL Texas	1363
Bridges on the Park	1368

SCHOOLS:

Austin Independent School District

Zilker Elementary School O Henry Middle School Austin High School



ABUTTING STREETS:

Name	ROW	Pavement	Classification	Sidewalks	Bike Route	Capital Metro
South Lamar Blvd	120'	MAD 4	Arterial	Yes	Yes	Yes
West Riverside Drive	120'	MAD 4	Arterial	Yes	Yes	Yes
Lee Barton Drive	55'	30'	Collector	No	No	No

CASE HISTORIES:

In 2008, Vertical Mixed Use Building was added to most properties along South Lamar Boulevard, exceptions being the Bridges on the Park and the Zach Theatre/COA parkland (C14-2008-0060).

NUMBER	REQUEST	PLANNING COMMISSION	CITY COUNCIL
East of Lamar (north t	o south)		
Town Lake Park	CS; CS-1; LI;	Approved; 07/25/1989	Approved; 08/24/1989
C14-89-0039	& SF-3 to P		
201-219 S Lamar	From "A" 1st	Granted	Approved; 05/14/1970
Blvd; 200-218 Barton	H&A & "C" 1 st		
Drive; & 1301-1319	H&A to "C" 1st		
Riverside Drive	H&A		
C14-70-050			40/00/0040: Driefing
211 S Lamar Blvd	Development	N/A	12/06/2012; Briefing
CD-2012-0021	Assessment		
C8-2012-0122	Subdivision	No action yet required	
C8-2012-0122	(under review)	No action yet required	
1	(under review)		
SP-2012-0271C	Site Plan	No action yet required	
0. 2012 027 10	(under review)		¥2
Paggi House	"C" to "C-H"	Granted	Approved; 11/21/1974
200 Lee Barton Drive	Commercial to		
C14H-74-006	Commercial-		
	Historic		
213-319 S Lamar Blvd	From "C" 1st	Granted	Approved; 10/19/1978
C14-78-154	H&A to "C-2"		
	1 st H&A		
Riverside Drive	Riverside		
SP-04-0115D	Alignment (CIP		
	Project)		
West of Lamar (north	to south)		1 0 7/00/1000
1500 West Riverside;	From "SF-3" to	Approved; 08/25/1987	Approved; 05/26/1988
200-214 S Lamar	"P"		



Blvd; & 1400-1800 Toomey Road C14-87-074			
210-216 S Lamar Blvd C14-72-129	From "A" 1 st H&A to "C-2" 1 st H&A	Granted	Approved; 07/13/1972
1426 Toomey Road C14-2010-0072	CS to CS- 1; Withdrawn	N/A	
C14-05-0187	CS to DMU; Expired	N/A	

In addition to the above zoning cases, there has been some recent site plans in the area, including the following:

211 S Lamar Boulevard / SP-2012-0271C / this project

217 S Lamar Boulevard / SP-05-1664C/ Bridges on the Park

202 South Lamar Boulevard / SPC-2010-0061C / New Theatre at Zach Scott

300 S Lamar / SP-05-1279C / Cole Apartments & Mixed Use Project

CITY COUNCIL ACTION:

May 23, 2013

April 25, 2013

March 28, 2013

April 25, 2013

April 25, 2013

Postponed to June 6, 2013 at the request of City staff.

Postponed to May 23, 2013 at the request of City staff.

Postponed to April 25, 2013 at the request of City staff.

Postponed to May 23, 2013 at the request of City staff.

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Lee Heckman PHONE: 974-7604

e-mail address: lee.heckman@austintexas.gov

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STAFF RECOMMENDATION

C814-2012-0160

To Grant Planned Unit Development (PUD) District Zoning

BACKGROUND

The subject tract consists of 0.933 acres located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Drive, with approximately equal frontage on each roadway. The site currently contains a Tex-Mex restaurant with high-turnover indoor dining and drive-through service. The tract lies between the Pfluger Pedestrian Bridge to the north and the Bridges on the Park, a residential condominium development, and the historic Paggi House restaurant to the south. The subject property is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district.

SUMMARY STAFF RECOMMENDATION

To grant PUD district zoning

BASIS FOR LAND USE RECOMMENDATION

The proposed zoning should be consistent with the purpose statement of the district sought.

Per the Land Development Code, the Planned Unit Development (PUD) zoning district has been established to implement goals of preserving the natural environment, encouraging high quality development and innovative design, and ensuring adequate public facilities and services. The City Council intends PUD district zoning to produce development that achieves these goals to a greater degree than and that is therefore superior to development under conventional zoning and subdivision regulations.

To help evaluate the superiority of a proposed PUD, requirements are divided into two categories: Tier 1, which is requirements that all PUDs must meet, and Tier 2, which provides criteria in 13 topical areas in which a PUD may exceed code requirements and therefore be considered superior. A PUD need not address all criteria listed under Tier 2. There is no minimum number of criteria that must be satisfied, no minimum number of categories satisfied, or a specified mix of categories satisfied. A table listing the Tier requirements and how they are proposed to be met (see Exhibit B) is one of the primary methods by which staff can review a PUD application.

This proposed mixed-use PUD offers a development on the subject property that can create a distinct space that complements the relatively new Zach Scott Theatre and gateway to the area south of Lady Bird Lake. As envisioned, the PUD provides pedestrian-oriented uses on the ground floor, upper story residential, underground vehicular parking, landscaping with 100% native and adapted plants, rainwater harvesting, and charging stations for electric vehicles. In addition, the proposed PUD supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves onsite and offsite trees, provides funding for offsite pedestrian improvements, provides a space onsite for the City of Austin Parks and Recreation Department and a community meeting space, contains a public plaza with art, will meet or exceed Austin Green Builder program standards at a 3-star level, and will provide additional bike parking for patrons and residents, as well as participate in the new Austin Bike Share program.



The anticipated mixed-use building is required to achieve 1 point on the Building Design Calculations Worksheet, which is part of the Building Design Options of Subchapter E (Design Standards and Mixed Use). The proposal is to obtain a minimum of 13 points by providing a variety of design options. This building, with varying heights, will house 175 homeowners, provide public, private common, and private open space areas and amenities, and provide pedestrian-oriented services to nearby park and trail users, pedestrian passersby, and residents of this building, the adjacent Bridges On The Park, and nearby Cole multifamily development, located on South Lamar Boulevard at Toomey Road.

Staff thinks the PUD proposal offers an improvement over what would otherwise be required of standard CS or CS-V development requirements. In short, the proposed PUD does exceed code requirements; therefore, by LDC definition it is superior. However, it is City Council that has the authority and desecration to determine whether PUD zoning is appropriate - regardless of whether the proposed development meets the standards prescribed by the Tier 1 and 2 requirements of a PUD.

Relating to these standards, a Tier 1 requirement states that all PUDs must include at least 10 acres of land, unless the property is characterized by special circumstances, including unique topographic constraints. There is no truly unique topography on the site, as it is relatively flat. However, it is surrounded on three sides by public right-of-way, and public parkland beyond those rights of way. It is further constrained on the fourth side by an existing historical site and a recently constructed condominium project. There is simply no feasible way for the property to expand in terms of acreage. Even if the entire block were somehow incorporated into a redevelopment project, the acreage involved would be only 3.26 acres. Staff thinks the existing public infrastructure, public property and private property constraints do characterize the property with special circumstances. But again, this assessment of special circumstances is subject to Council deliberation.

Zoning should promote the policy of locating retail and more intensive zoning near the intersections of arterial roadways or at the intersections of arterials and major collectors.

The property is currently zoned CS and CS-V, General Commercial Services-Vertical Mixed Use Building. CS is the most intense commercial zoning and reflects the fact the property is bounded by two major arterials and a collector. This proposed PUD involves the addition of 175 residential units and approximately 10,000 square feet of retail and other uses on the site.

In the current market climate, there are mixed-use, multifamily, and condominium projects being developed throughout Austin on arterials and collectors, and South Lamar Boulevard is no exception. Most of these projects are being developed under existing zoning allowances, however, and are also not necessarily located at well-known intersections. In contrast, this is a case where a higher-density mixed-use development – and a proposed floor-to-area-ratio of 5:1 is relatively intense – is proposed at an intersection of arterials.

Zoning should not constitute a grant of special privilege to an individual owner; the request should not result in spot zoning; and granting a request for zoning should result in an equal treatment of similarly situated properties.

A primary driver of the PUD request is to allow for additional height of built structures. Similarly situated properties, that is, those of less than 10 acres and south of Lady Bird

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Lake, have received similar favorable allowances. For example, the PUD-NP on the Hyatt Hotel property at 208 Barton Springs Road, approved in 2007, allows up to 200 feet in building height. The old AquaTerra site at 222-300 East Riverside site also allows development up to 200 feet and was approved in 2008. Closer to this site and more recently approved PUDs include The Park PUD at 801 Barton Springs Road, approved in Spring 2011, which allows for a 96-feet tall building, and the Broadstone PUD, at 201 S 1st & 422 W Riverside, approved in Autumn 2012 and allows for a 76-feet tall building.

Granting of the zoning should not in any way set an undesirable precedent for other properties in the neighborhood or within other areas of the city.

Staff is aware that each of the PUD applications noted above engendered discussion at the Planning Commission and Council about setting a precedent for future development south of Lady Bird Lake. Indeed, just because PUD district zoning was granted before for similar properties before does not automatically mean it would be granted in this case, thus perpetuating a real or perceived precedent. However, staff believes this property is unique because of its location. This property is bounded on three sides by public roadways and City parkland. The remaining side is developed with a fresh condominium mixed-use project and historic restaurant. This is a unique case of redevelopment but a classic case of infill; given the property's geographic constraints (being bound on three sides by roadways), it is not likely to be emulated by other properties in the immediate vicinity.

At the same time, this property is located at the foot of the Pfluger Pedestrian Bridge, abuts City parkland and the hike and bike trail, sits across from the new Zach Theatre, and is at an entry point or gateway from downtown to south Austin. Under current zoning, a typical 60-feet tall building could be constructed. Or, some other use otherwise permitted in the current district could be developed. In contrast to the proposal setting an undesirable precedent, this proposed PUD could serve as a higher-caliber, mixed use project on a prominent corner and gateway. If granted, the PUD would allow a greater quantity of development than otherwise allowed; yet by requiring that the quantity be combined with higher quality, a precedent can be set that demands superiority.

One concern expressed to staff and a discussion point of previous Board meetings has been the applicant's request for a variance to open space requirements, proximity to City parkland and hike-and-bike trails notwithstanding. As noted in the "Issues" section, there is no longer a variance related to the provision of open space, as the application fully complies with the City's open space requirements. Open space is a desirable amenity, and the applicant is providing more than the amount required with public, private common, and private personal open space.

Zoning should allow for a reasonable use of the property.

The subject tract is located at the intersection of South Lamar Boulevard, West Riverside Drive, and Lee Barton Road. It is located within the Butler Shores Subdistrict of the Waterfront Overlay and the Riverside Drive Scenic Roadway Overlay. It is adjacent to a historic property and existing residential. The combined effect of these location-specific constraints, in conjunction with City-wide development standards, results in challenging redevelopment parameters. As noted above, the property could be redeveloped in a straightforward manner under the existing zoning. However, the applicant has proposed a PUD project that would allow for superior development, which staff thinks is reasonable at this location.

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Zoning should be consistent with an adopted study, the Future Land Use Map (FLUM) or an adopted neighborhood plan.

The South Lamar Combined Neighborhood Plan effort has been suspended. As such, there is no neighborhood plan or future land use map to consult in developing the staff recommendation. The Imagine Austin Growth Concept Map, found in the Imagine Austin Comprehensive Plan, identifies South Lamar Boulevard as an Activity Corridor, and may be served by high capacity bus service in the future. It is also identified as part of the potential Shoal Creek/West Bouldin Creek Urban Trail. However, the area is not further identified as one of the growth centers on the Growth Concept Map.





City of Austin

MEMO

Neighborhood Housing and Community Development P.O. Box 1088, Austin, TX 78767 -1088 1000 East 11" Street, Ste 200, Austin, TX 78702 (512) 974-3100 • Fax (512) 974-3161 • www.austintexas.gov/bonsing

Date:

May 9, 2013

To:

Greg Guernsey, Director

Planning and Development Review Department

From:

Elizabeth A. Spencer, Director

pic for Betsy Spencer Neighborhood Housing and Community Development

Subject:

Planned Unit Development Affordability Requirements

211 South Lamar PUD

The purpose of this memorandum is to provide affordability requirements in the 211 South Lamar Planned Unit Development (PUD), in accordance with the Planned Unit Development zoning district of the Land Development Code. This item is scheduled for a public hearing at Planning Commission on May 14, 2013.

The PUD Ordinance outlines a variety of ways affordable housing may be incorporated in a development - on site; land donation; or fee in lieu of on-site affordability. Affordable housing is a Tier Two option, which indicates that it is a part of a menu of criteria that a developer may pursue to achieve superiority. Affordability does however, become a required element when the development proposes to exceed baseline site development regulations for maximum height, floor area ratio (FAR), and building coverage. The South Lamar PUD proposes to exceed FAR and height; and therefore affordability is required.

The current recommendation by the Planning and Development Review Department (PDRD) proposes a bonus that is calculated on the delta between the FAR the applicant proposes and the FAR that would be achieved pursuant to existing zoning and existing site development regulations. This interpretation results in a calculation that accounts for the bonus area exceeding the baseline entitlements. In addition, PDR is proposing the fee to be calculated only for 10% of that bonus square footage. Likewise, if units were provided on site, it would be 10% of the units in the bonus square footage.

As the ordinance is currently written, the calculation for determining number of affordable units is based on the total number of units or total habitable square footage within the PUD. The fee in lieu donation is the established fee multiplied by each square foot of climate controlled space within the PUD. The ordinance designates this square footage as both residential and non-residential square footage.



A component of the ordinance requires PDRD to establish baseline entitlements. The South Lamar PUD site area is 40,641 square feet with 2:1 FAR. Due to increased entitlements achieved through the Waterfront Overlay, PDRD established the baseline square footage at 130,051.

The development proposes a 5:1 FAR to build 203,207 square feet that includes 175 units and 11,000 square feet of retail. Bonus square footage would be 73,154. This information provides the basis for determining the fee in lieu.

The following illustrates the calculation of the proposed fee in lieu based on (1) PDRD's recommendation and calculation of the fee in lieu; (2) the developer's calculation and proposed fee in lieu; and (3) NHCD staff's calculation and recommendation for the fee in lieu.

- (1) PDRD staffs calculated fee is based on 10% of the bonus square footage: $73,154 \times 10\% = 7,315 \times $6 = $43,890$ fee in lieu
- (2) The developer's proposed fee is based on the overall bonus square footage: $73,154 \times $6 = $438,924$ fee in lieu
- (3) NHCD's recommended fee in lieu is based on the total square footage within the PUD:

 $203,207 \times $6 = $1,219,242$ fee in lieu

NHCD staff recognizes the importance of the many competing benefits as Austin continues to develop in an evolving and dynamic environment. With a central focus to maximize existing affordable housing policy tools, NHCD recommends a fee in lieu that is aligned with the strictest interpretation of the PUD ordinance.

Please contact me if additional information is required. I can be reached at 512.974.3182.

cc: Bert Lumbreras, Assistant City Manager Sue Edwards, Assistant City Manager



WINSTEAD

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direct dial: 512-370-2821 sdrenner@winstead.com

May 20, 2013

Mr. Greg Guernsey Planning and Development Review Department City of Austin 505 Barton Springs Road Austin, Texas 78704 <u>Via Electronic Mail</u>

Re: 211 South Lamar PUD Case C814-2012-0160 - Affordable Housing Calculation

Dear Mr. Guernsey,

On behalf of the applicant for the above-mentioned zoning case, we have reviewed the memorandum dated May 9, 2013, regarding various interpretations of affordability requirements applicable to the project as a planned unit development ("PUD").

The memorandum contains a recommendation from the Neighborhood Housing and Community Development Department ("NHCD") that proposes a new interpretation of the PUD ordinance, generating a fee-in-lieu based upon the total square footage within the requested PUD, including square footage that is currently available to be developed under existing zoning. It is important to note that the PUD ordinance was adopted by Council on June 18, 2008, and the fee-in-lieu for every PUD that has been considered by the City Council since that date has been based upon the overall *bonus* square footage, and not the over-all size of the project. There has been no change in the ordinance language, yet apparently NHCD has determined a new, and ill-advised, manner in which to read the ordinance.

The applicant has made a commitment to provide fee-in-lieu funding based upon the overall bonus square footage, the standard that has been applied to every other similarly-situated PUD. This represents, as the memorandum cites, a contribution of \$438,924.00 to the affordable housing trust fund. Although high, this is an amount that can be absorbed by the applicant into the project, although like all development costs, it will be at least partially passed along to future tenants or residents of the project. But imposing a required fee-in-lieu amount of \$1,219,242.00, as proposed by NHCD, upon the project far exceeds what can be absorbed into the project.

The position of NHCD detailed in the May 9 memorandum reflects a complete lack of understanding of the economic realities of a mixed-use, multi-family or condominium project.



Mr. Greg Guernsey Planning and Development Review Department May 20, 2013 Page 2

NHCD's position is premised on the idea that developers can pay any new cost that the City may charge. Such a position ignores the market-rate returns demanded by capital in all development projects, as well as the cap that buyers or renters will pay for residential product.

If adopted by the City Council, NHCD's position will actually result in fewer dollars available for affordable housing, rather than more dollars. Multi-family or condominium developers face a choice: either build a project that does not exceed FAR and height limitations, or request permission to build a project that exceeds existing FAR or height limitations. The former carries with it no affordable housing requirement. The latter carries with it an affordable housing requirement. If the affordable housing requirement is unreasonable and excessive, it will more than offset the value of the additional FAR or additional height, and the multi-family or condominium developer will not simply elect to build a project that complies with FAR and height requirements. That decision will yield zero dollars for affordable housing.

The applicant, if subjected by the City Council to the fee-in-lieu amount of \$1,219,242.00 as proposed by NHCD, will withdraw the PUD zoning case, and will immediately submit a site plan for a zoning-compliant, multi-family structure on this site. The zoning compliant project will be a stick-built apartment complex, with no ground floor retail, and the "U-shaped" design will be reversed so that the open portion of the "U" faces Lady Bird Lake. In addition to the loss of the other community benefits proposed by the PUD, the zoning compliant project will contain no affordable housing, and it will provide no contribution to the affordable housing trust fund, as opposed to the contribution of \$438,924.00 to the fund offered via the PUD. I have discussed this issue at length with my client, and I made the same statement to the City Council in December of 2012 when the City Council undertook its preliminary review of the Project. There has been, and there will not be, a change in my client's position on that issue.

Sincerely,

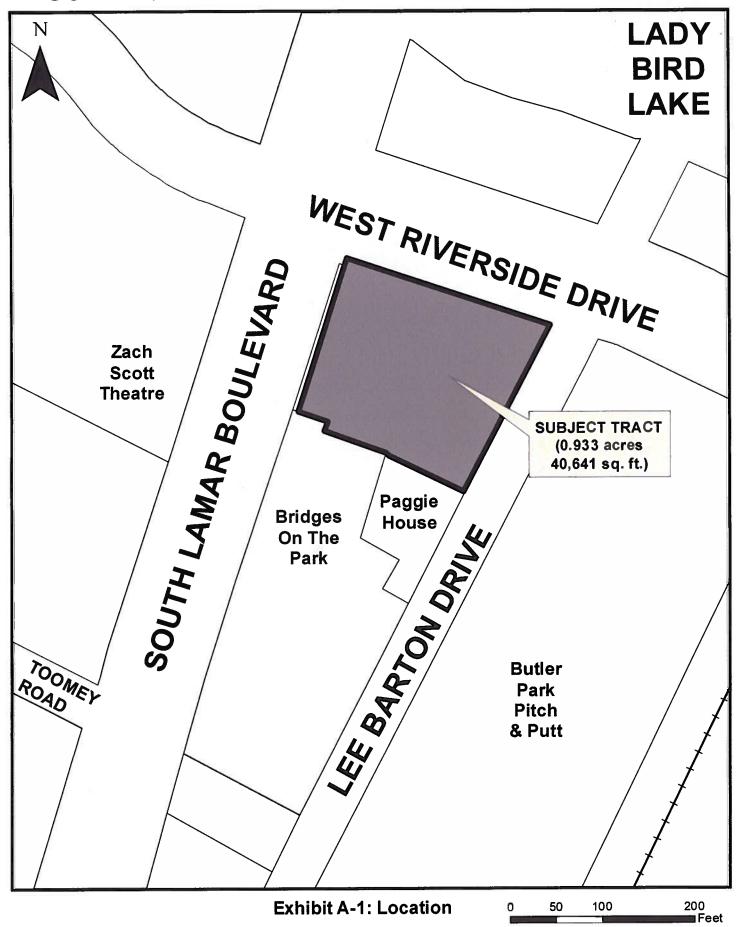
Stephen O. Drenner

Amarda Sur For

cc: Jerry Rusthoven, Planning and Development Review Department, via electronic mail
Lee Heckman, Planning and Development Review Department, via electronic mail
Elizabeth Spencer, Neighborhood Housing and Community Development, via electronic
mail

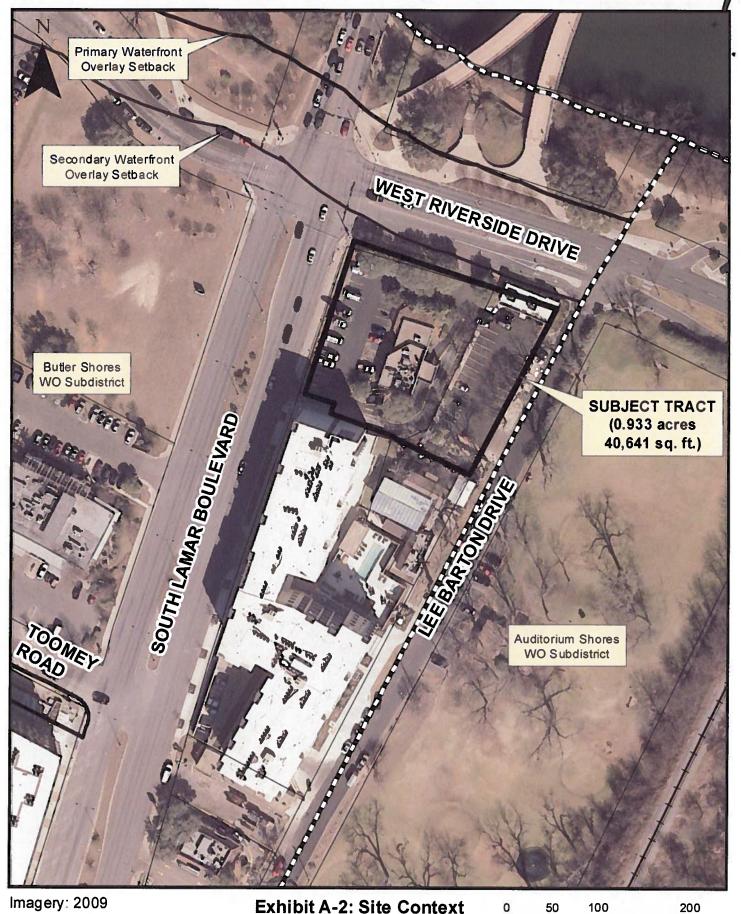
Sue Edwards, Assistant City Manager, via electronic mail Bert Lumbreras, Assistant City Manager, via electronic mail Will Cureton, Ascension Development, via electronic mail Scott Rodgers, Ascension Development, via electronic mail

C814-2012-0160 / 211 South Lamar Boulevard



1 inch = 100 feet

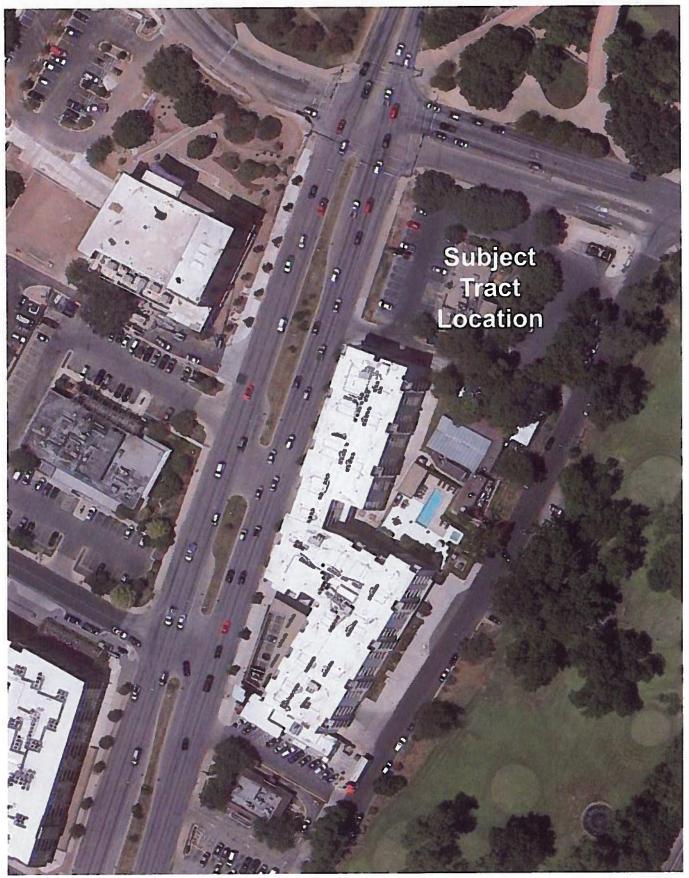
C814-2012-0160 / 211 South Lamar Boulevard



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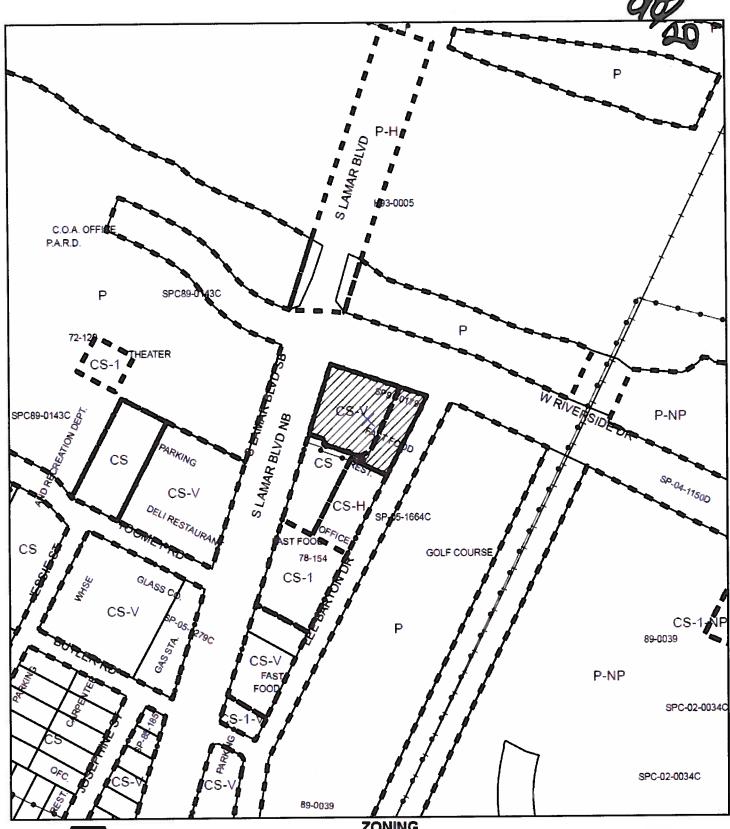
Feet

C814-2012-0160 / 211 South Lamar Boulevard



Source: Google Earth, 2013

Exhibit A-3



SUBJECT TRACT

PENDING CASE

ZONING CASE#: C814-2012-0160

ZONING BOUNDARY

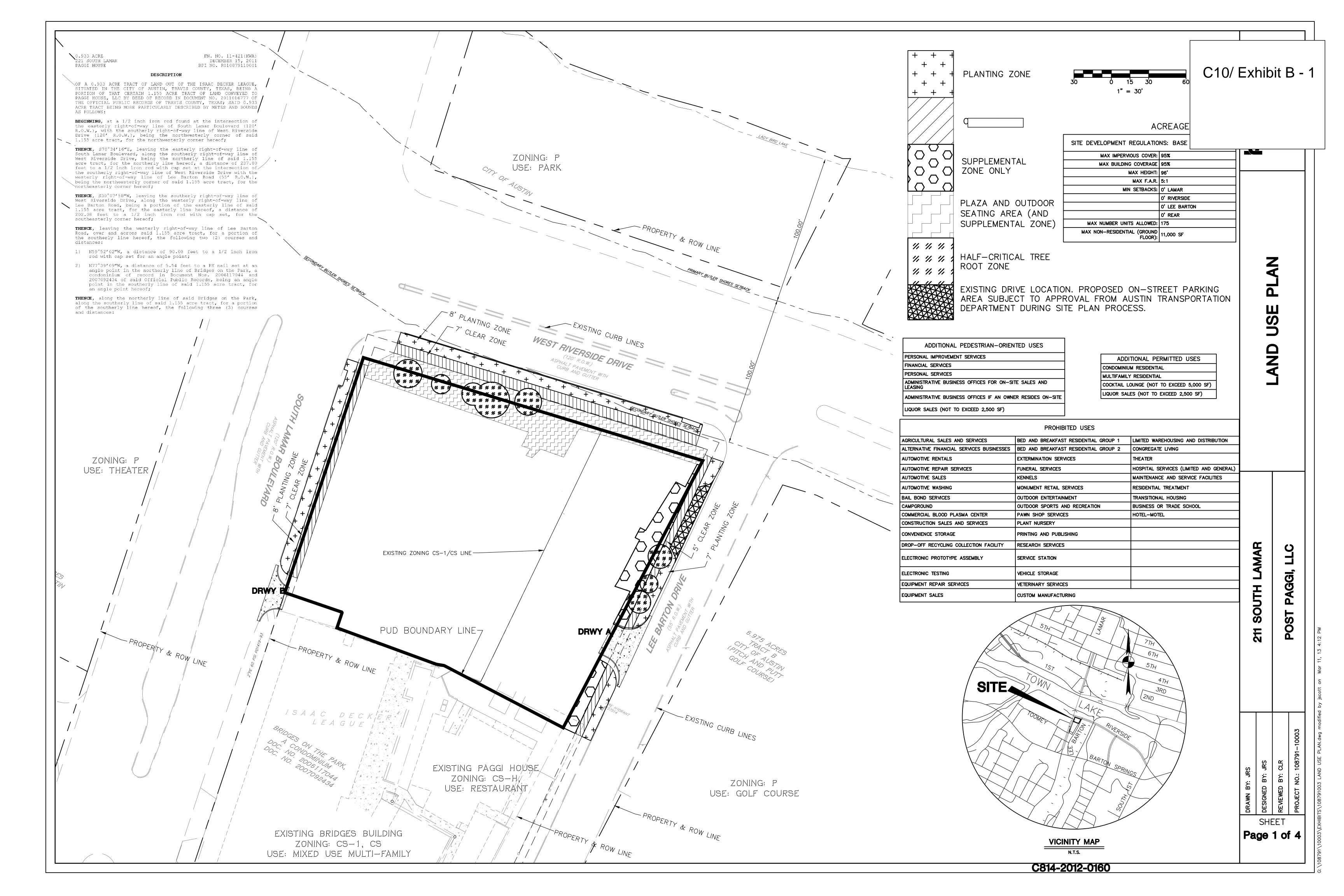
This product is for informational purposes and may not have been prepared for or be s

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

1 " = 200 '

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





C10/ Exhibit B - 2

- 1. THE SIZE AND CONFIGURATION OF THE PLAZA AND OUTDOOR SEATING AREA AT THE INTERSECTION OF SOUTH LAMAR BOULEVARD AND RIVERSIDE DRIVE AS SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH ON THE SITE DEVELOPMENT PERMIT THE SIZE AND CONFIGURATION OF SUCH PUBLIC PLAZA.
- 2. THE SIZE AND CONFIGURATION OF DRIVEWAYS AS SHOWN HEREON IS AN APPROXIMATION FOR ILLUSTRATIVE PURPOSES. THE OWNER WILL ESTABLISH AND SET FORTH THE SIZE AND CONFIGURATION OF DRIVEWAYS ON THE SITE DEVELOPMENT PERMIT.
- 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.
- 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA.
- 5. RIVERSIDE DRIVE IS A SCENIC ROADWAY AND IS SUBJECT TO SUBCHAPTER 25-10 SIGN REGULATIONS.
- 6. THE PAGGI HOUSE TENANT HAS THE OPTION TO REMAIN OPEN DURING CONSTRUCTION OF THE PROJECT. IF THE TENANT REMAINS OPEN, PARKING FOR THE RESTAURANT WILL BE HANDLED ON A VALET BASIS DURING CONSTRUCTION.
- 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.
- 8. THE JOINT USE ACCESS EASEMENT DOCUMENT NO. _____ RECORDED IN TRAVIS COUNTY, TEXAS OFFICIAL PUBLIC RECORDS IS APPLICABLE TO THIS PUD.
- 9. THE PROPOSED PARKING SHOWN IN THE LEE BARTON DRIVE R.O.W. WILL REQUIRE APPROVAL FROM THE AUSTIN TRANSPORTATION DEPARTMENT DURING THE SITE DEVELOPMENT PERMIT PROCESS.
- 10. BUILDING BASEWALL IS DEFINED BY SECTION 25-2-172. THIS PLANNED UNIT DEVELOPMENT DEFINES THE FINISHED GRADE AS PROPOSED FINISHED GRADE OF EACH BUILDING AND THE DEMARCATION LINE WILL BE DEFINED BY THE ARCHITECT. THE BASEWALL HEIGHT WILL CONFORM TO THE MAXIMUM HEIGHT ALLOWED PER THE PUD ZONING.
- 11. PRIOR TO APPROVAL OF THE SITE DEVELOPMENT PERMIT, APPLICANT MUST OBTAIN LEGAL LOT STATUS THROUGH SUBDIVISION.
- 12. NO GATED ROADWAYS WILL BE PERMITTED WITHIN THE PUD (HOWEVER RESIDENT PARKING AREAS MAY BE GATED).
- 13. THE PROJECT SHALL PROVIDE ONE INDEPENDENT RETAIL, RESTAURANT OR LOCAL FRANCHISEE WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THE AUSTIN STANDARD METROPOLITAN STATISTICAL AREA USABLE SPACE AT A RENT 15% BELOW THE PREVAILING MARKET RENT WHEN THE LEASE OR OTHER ARRANGEMENT TO THE DIRECTOR OF NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT FOR REVIEW.
- 14. THE MINIMUM OFF-STREET PARKING FOR THE PROJECT IS 60% OF THE REQUIREMENT DEFINED IN SECTION 25-6, APPENDIX A (TABLE OF OFF-STREET PARKING AND LOADING REQUIREMENTS).
- 15. AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE.
- 16. 100% OF ALL LANDSCAPE PLANTING ON SITE WILL BE THOSE DESIGNATED BY THE CITY OF AUSTIN GROW GREEN NATIVE AND ADAPTED PLANT GUIDE OR CITY OF AUSTIN RAIN GARDEN PLANT LIST.
- 17. 100% OF ALL LANDSCAPING ON SITE WILL BE IRRIGATED BY EITHER STORM WATER RUNOFF CONVEYED TO RAIN GARDENS OR THROUGH THE USE OF RAINWATER HARVESTING (OR A COMBINATION OF BOTH); PROVIDED, HOWEVER, THE APPLICANT SHALL HAVE THE RIGHT TO SUPPLEMENT SUCH LANDSCAPE IRRIGATION WITH POTABLE WATER, IF NECESSARY.
- 18. THE PROJECT SHALL PROVIDE ART APPROVED BY THE ART IN PUBLIC PLACES PROGRAM OR A SUCCESSOR PROGRAM, THE PROJECT MAY MEET THIS REQUIREMENT BY ENTERING INTO AN ARRANGEMENT WITH THE AUSTIN MUSEUM OF ART (AMOA) OR SUCCESSOR ENTITY FOR AMOA ART TO BE DISPLAYED ON A SEASONAL OR ROTATING BASIS IN A PROMINENT OPEN SPACE, ON A PEDESTAL CONSTRUCTED AND MAINTAINED BY THE OWNER.
- 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE. INTERIOR GROUND FLOOR PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.
- 20. THE PROJECT WILL UTILIZE CONCRETE AND STEEL CONSTRUCTION, AND WILL MEET OR EXCEED ALL APPLICABLE WATERFRONT OVERLAY DESIGN STANDARDS.
- THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT (§2.2.2.C.1); GENERAL BUILDING PLACEMENT (§2.2.2.D.1); CONTINUOUS SHADED SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C & D).
- 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN CHARACTERISTICS:
- A. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK.
- B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS:

 I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE; AND (C) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S RIVERSIDE DRIVE EDGE (A) ALONG THE EDGE (A) AL
- II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78 FEET AND WILL BE (A) ON THE EXTERIOR SIDE OF THE "U"; (B) SITUATED ALONG A PORTION OF THE PROJECT'S RIVERSIDE DRIVE/LEE BARTON DRIVE EDGE (ALTHOUGH IT WILL NOT EXTENDING ALONG THE PROJECT'S LEE BARTON DRIVE EDGE TO THE APPROXIMATE TERMINUS OF THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I ABOVE;

 C. THE AREA ON THE LEE BARTON DRIVE EDGE BETWEEN THE SOUTHERN PROPERTY LINE AND THE SOUTHERN EDGE OF THE TWO BUILDING BLOCKS DESCRIBED IN PARAGRAPH B ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE.
- 23. AT LEAST 1,000 SQUARE FEET OF USABLE FIRST FLOOR RETAIL SPACE SHALL BE OFFERED TO THE AUSTIN PARKS AND RECREATION DEPARTMENT ("PARD") ON A "RENT-FREE" BASIS FOR USE BY PARD FOR A PUBLIC "STOREFRONT" OR RETAIL SPACE FOR A PERIOD OF 25 YEARS BEGINNING UPON THE DATE A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT. PARD SHALL BE RESPONSIBLE FOR ELECTRIC AND UTILITY CHARGES FOR THE SPACE FOR THE TERM PERIOD. ADDITIONALLY, FOR AS LONG AS THE SPACE IS UTILIZED BY PARD, THE OWNER SHALL PROVIDE TWO (2) ON-SITE PARKING SPACES IN THE GARAGE RESERVED FOR PARD USE BETWEEN 9:00 AM AND 5:00 PM ON WEEKDAYS.
- 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS:
- A. A SIDEWALK ON LEE BARTON DRIVE FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE SOUTHEASTERN EDGE OF THE SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY PAVED PORTION OF LEE BARTON DRIVE);
- B. A SIDEWALK ALONG THE SOUTHERN EDGE OF RIVERSIDE DRIVE FROM THE CORNER OF LEE BARTON DRIVE AND RIVERSIDE DRIVE TO THE WESTERN TERMINUS OF THE EXISTING SIDEWALK ON THE SOUTHERN EDGE OF RIVERSIDE DRIVE LOCATED JUST EAST OF THE RAILROAD OVERPASS;
 C. CREATION OF A PEDESTRIAN CROSSWALK ACROSS LEE BARTON DRIVE AT THE INTERSECTION OF LEE BARTON DRIVE AND RIVERSIDE DRIVE.
- ALL SUCH IMPROVEMENTS MUST BE APPROVED BY THE CITY OF AUSTIN AND THE CITY OF AUSTIN WILL BE RESPONSIBLE FOR CONSTRUCTION OF SUCH IMPROVEMENTS. SUCH FUNDING SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT
- THE DEVELOPMENT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT FACILITIES, ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTUALLY AGREED UPON BY THE CITY AND THE CITY AND THE OWNER, THAT PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF AND A MINIMUM 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.

SHOULD THE WATER QUALITY FACILITIES TREATING OFF-SITE RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN AUSTIN AUTION OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AUSTIN AUTION OF THE SITE AUTION OF THE SI

- 26. THE PROJECT WILL CONTAIN A ROOM FOR MEETING SPACE OF AT LEAST 250 SQUARE FEET. SUCH ROOM WILL BE AVAILABLE TO RESIDENTS OF THE PROJECT AND TO COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS. USE OF THE ROOM BY COMMUNITY NEIGHBORHOOD GROUPS AND NON-PROFIT ORGANIZATIONS SHALL BE ON A RESERVATION BASIS, AND SHALL BE SUBJECT TO SUCH REASONABLE RULES AND REGULATIONS AS SHALL BE IMPOSED BY THE OWNER OF THE PROPERTY OR ANY HOMEOWNER'S ASSOCIATION FOR THE PROJECT.
- 27. THE PROJECT WILL PROVIDE THE FOLLOWING BICYCLE FACILITIES:
- A. BICYCLE PARKING FOR RETAIL PATRONS OF THE PROJECT AT A LEVEL EQUAL TO OR EXCEEDING THE GREATER OF (1) 120% OF CODE REQUIRED BICYCLE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES SHALL BE LOCATED ON THE PARKING SPACES. ALL SUCH BICYCLE PARKING SPACES. ALL SUCH
- ROADWAYS;

 B. BICYCLE PARKING FOR THE RESIDENTS OF THE PROJECT. SUCH BICYCLE PARKING SHALL BE PROVIDED IN A SECURE LOCATION WITHIN THE PROJECT'S PARKING GARAGE; AND
- C. IF ELECTED BY THE CITY OF AUSTIN WITHIN TWO (2) YEARS OF THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR THE RESIDENTIAL PORTION OF THE PROJECT'S PUBLIC PLAZA AREA OR THE PLANTING OR SUPPLEMENTAL ZONE ALONG RIVERSIDE DRIVE. SUCH "BIKE SHARE KIOSK" SHALL BE SIZED AS DESIRED BY THE CITY OF AUSTIN (BUT NOT TO EXCEED 10 BIKE PARKING SPACES WITHOUT THE FURTHER CONSENT OF THE OWNER) AND SHALL BE OPERATED AND MAINTAINED BY THE CITY OF AUSTIN CONSISTENT WITH OTHER "BIKE SHARE KIOSKS" IN THE GENERAL PROXIMITY OF THE PROJECT.
- 28. THE PROJECT WILL PROVIDE TWO PUBLIC DEDICATED SPACES FOR ELECTRIC VEHICLE CHARGING WITHIN THE PROJECT'S PARKING GARAGE. SUCH ELECTRIC VEHICLE CHARGING SPACES WILL BE AVAILABLE FOR USE BY RESIDENTS OF THE PROJECT AND PATRONS OF THE RETAIL LEASE SPACE.
- 29. THE PROJECT WILL ACHIEVE A MINIMUM OF 13 POINTS UNDER THE BUILDING DESIGN OPTIONS OF SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E:
- A. THE PROJECT WILL ACHIEVE A 3 STAR RATING UNDER THE AUSTIN GREEN BUILDING PROGRAM 3 POINTS
- B. THE PROJECT WILL HAVE 2 LINER STORES IN THE PROJECT'S GROUND FLOOR RETAIL AREA 2 POINTS

 C. THE PROJECT WILL HAVE FACADE ARTICULATION THROUGH A USE OF CHANGE IN MATERIALITY, REPEATING PATTERN OF WALL RECESSES AND PROJECTIONS, OR A CHANGE IN PLANE 1 POINT
- D. A PRIMARY ENTRANCE WILL BE DEMARKED BY INTEGRAL PLANTERS, ENHANCED EXTERIOR LIGHT FIXTURES, AND ARCHITECTURAL DETAILS 1 POINT
- E. THE PROJECT WILL HAVE A DISTINCT ROOF DESIGN 1 POINT
- F. 100% OF THE GLAZING USED ON THE GROUND FLOOR FACADE FACING STREETS OR PARKING WILL HAVE A VISIBLE TRANSMITTANCE OF 0.6 OR HIGHER 1 POINT
- G. 75% OF THE FACADE FACING THE PRINCIPAL STREET WILL BE STOREFRONT WITH A MINIMUM OF 2 SEPARATE ENTRANCES 2 POINTS
- H. THE PROJECT WILL HAVE A SUSTAINABLE ROOF AS OUTLINED IN SECTION 3.3.2 OF CHAPTER 25-2, SUBCHAPTER E 2 POINTS
- 30. THE PROJECT WILL PARTICIPATE IN THE AFFORDABLE HOUSING OPTIONS PURSUANT TO THE PUD ORDINANCE. NOTE: FOR THESE PURPOSES, THE APPLICANT HAS ASSUMED, AND THIS PUD IS EXPRESSLY SUBJECT TO, THE INTERPRETATION OF THE PUD ORDINANCE THAT ALL AFFORDABLE HOUSING OPTIONS WILL BE CALCULATED ON THE DELTA BETWEEN THE F.A.R. THAT THE APPLICANT PROPOSES TO NEED FOR THE PROJECT AND THE F.A.R. THAT COULD BE ACHIEVED PURSUANT TO EXISTING ZONING AND EXISTING APPLICABLE SITE DEVELOPMENT REGULATIONS, INCLUDING SECTION 25-2-714 OF THE LAND DEVELOPMENT CODE (ADDITIONAL FLOOR AREA). SUCH PARTICIPATION WILL BE PROVIDED BY EITHER PROVIDING ON-SITE UNITS OR BY PAYING A FEE-IN-LIEU (CALCULATED CONSISTENT WITH THE ASSUMPTION ABOVE).
- 21. PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PAGGI HOUSE CHANGES, PARKING MEETING THEN CURRENT CODE PARKING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE.
- THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE HALF-CRITICAL ROOT ZONES AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT PERMIT PROCESS THAT INCORPORATES THE FOLLOWING CONSTRUCTION PHASE PROTECTIONS, ALL OF WHICH SHALL BE DONE IN CONCERT WITH A CERTIFIED ARBORIST THAT HAS EXPERIENCE IN TRAVIS COUNTY, TEXAS: TREE PRUNING AS NECESSARY TO REMOVE LIMBS EXTENDING INTO THE BUILDING ENVELOPE (BUT NOT TO EXCEED 1/4 OF THE CANOPY), CHAINLINK FENCING AROUND THE HALF CRITICAL ROOT ZONE, USE OF AN AIR SPADE TO LOOSEN COMPACTED SOILS AND BACKFILLING WITH QUALITY TOPSOIL, USE OF MULCH AT THE BASE OF TREES, VITAMINS INJECTED INTO TREE TRUNKS, AND REGULAR WATERING AND WASHING OF TREE LEAVES.
- 33. TRANSPORTATION CRITERIA MANUAL SECTION 9.3.0 #3 (LOADING) IS MODIFIED TO ALLOW:
 - A. MANEUVERING IN THE RIGHT-OF-WAY ALONG LEE BARTON DRIVE
- PUBLIC RIGHT-OF-WAY MAY NOT BE USED FOR MANEUVERING FOR LOADING/UNLOADING FACILITIES UNLESS APPROVED BY THE AUSTIN TRANSPORTATION DEPARTMENT AT TIME OF SITE PLAN APPLICATION.
- 2.5% OF RESIDENTIAL UNITS IN THE PROJECT SHALL BE FULLY ACCESSIBLE TYPE A DWELLING UNITS. NOTE: TO THE EXTENT THAT THE FOREGOING CALCULATION RESULTS IN A FRACTIONAL NUMBER, THE FRACTION SHALL BE ROUNDED UP FOR PURPOSES OF THIS NOTE: TO THE EXTENT THAT THE FOREGOING CALCULATION RESULTS IN A FRACTIONAL NUMBER, THE FRACTION SHALL BE ROUNDED UP FOR PURPOSES OF THIS NOTE: AS DEFINED IN THE 2009 INTERNATIONAL BUILDING CODE, A TYPE A UNIT HAS SOME ELEMENTS THAT ARE CONSTRUCTED FOR ACCESSIBILITY FOR WHEELCHAIR USERS THROUGHOUT THE UNIT; AND THE UNITS WILL MEET THE TECHNICAL REQUIREMENTS FOR THE INTERIOR OF A TYPE A UNIT AS DEFINED IN SECTION 1003 OF INTERNATIONAL CODE COUNCIL A117.1.
- 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL BE RELOCATED TO A SITE ADJACENT TO LEE BARTON DRIVE. SUCH RELOCATION OF THE PROJECT, OR, IN THE ALTERNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING CONSTRUCTION OF THE PROJECT, THE RELOCATION SHALL BE ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE PROJECT.
- 36. THE CUMULATIVE AMOUNT OF "PEDESTRIAN-ORIENTED USES" (AS DEFINED IN SECTION 25-2-691(C)) ALONG SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE AND LEE BARTON DRIVE SHALL BE A MINIMUM OF 75% OF THE CUMULATIVE FRONTAGE (EXCLUDING DRIVEWAY OPENINGS AND OTHER PROJECT FACILITIES NOT TYPICALLY INCLUDED IN "FRONTAGE" CALCULATIONS) ALONG THOSE ROADWAYS. NOTE: SUCH REQUIREMENTS WILL RESULT IN MORE THAN 50% OF THE NET USABLE SPACE OF ALL HEATED AND COOLED SPACE ON THE GROUND FLOOR OF THE PROJECT BEING DEVOTED TO "PEDESTRIAN-ORIENTED USES" AS REQUIRED BY SECTION 25-2-692(H).
- 37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 4,636 SQUARE FEET WHICH IS 10% ABOVE THE TIER I MINIMUM. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2 SUBCHAPTER E SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.
- 38. THE PROJECT WILL PROVIDE AND MAINTAIN THE THREE CURB INLET FILTERS IN THE EXISTING INLETS ON SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE, AND LEE BARTON DRIVE ADJACENT TO THE SITE.

BB BL S21 N Austin TBPE Bury+

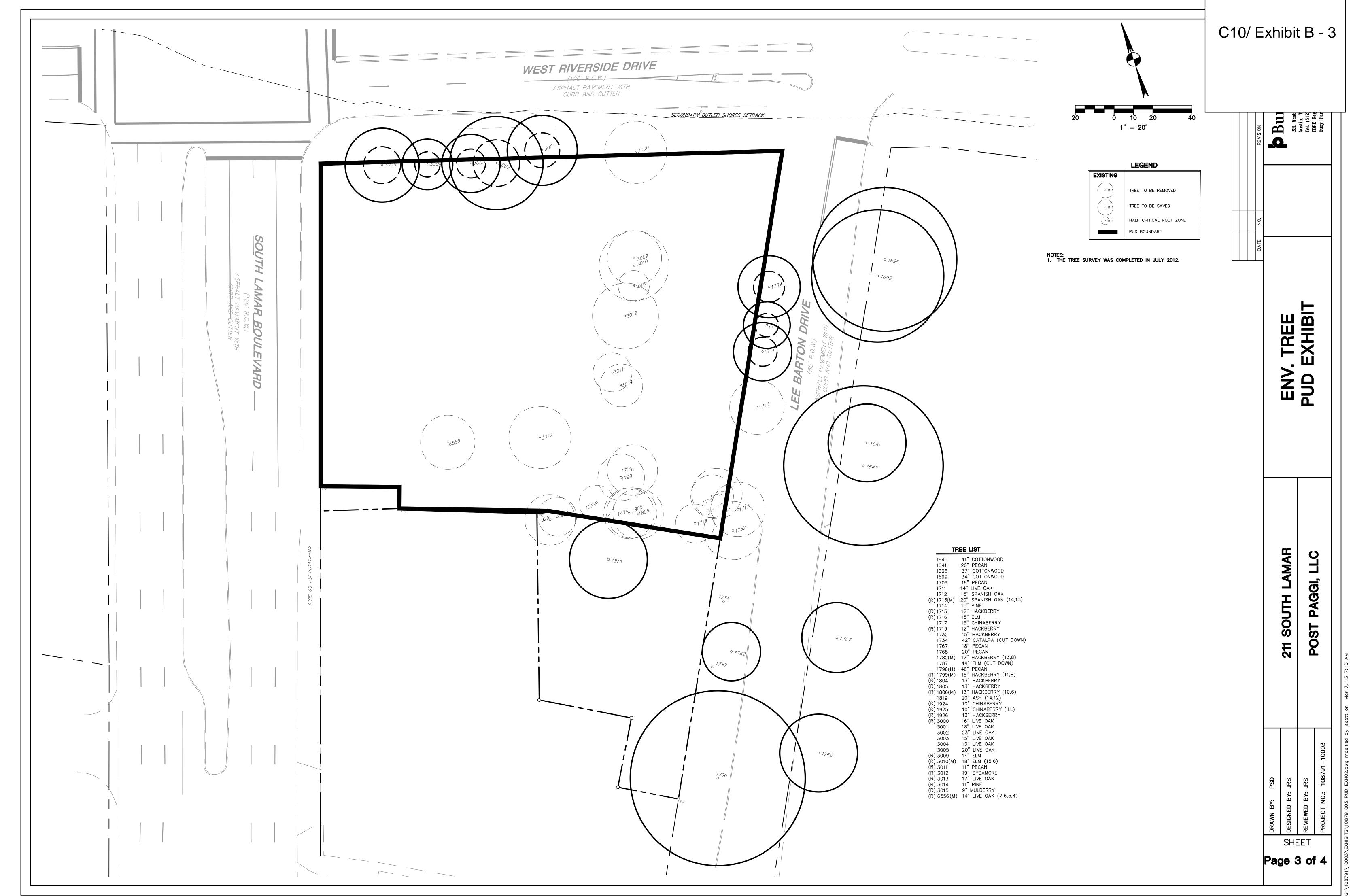
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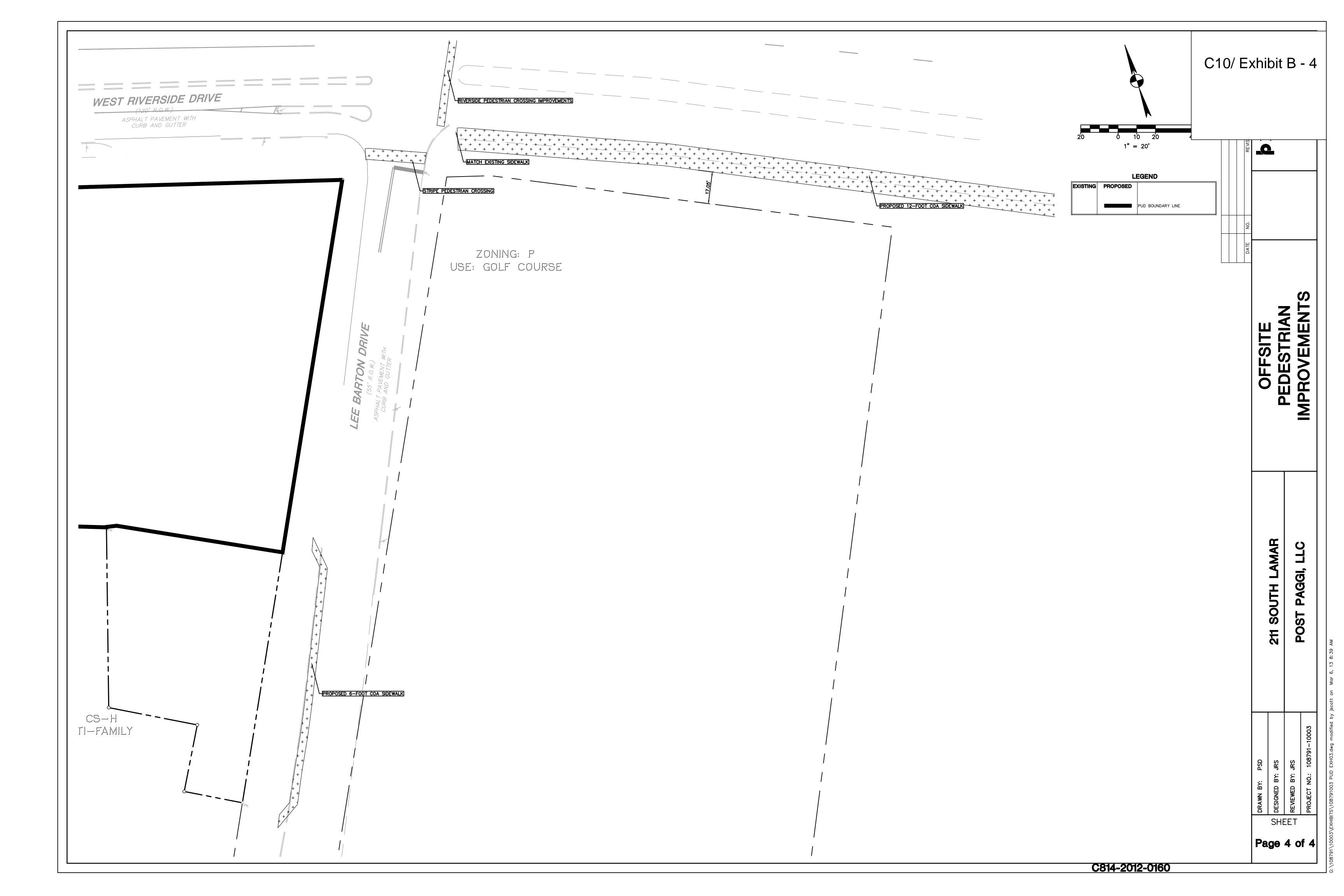
211 SOUTH LAMAR

DESIGNED BY: JRS
REVIEWED BY: CLR
PROJECT NO.: 108791-10003

Page 2 of 4

C814-2012-0160







Tier I Requirement	Compliance	Superiority	PUD Note
Code. Code.	Yes.	The project is located within the City of Austin Desired Development Zone, as well as the Urban Core. The project is designed to be a mixed-use building situated at the mouth of the Pfluger Bridge, essentially becoming the front door to pedestrians and cyclists leaving the trail area. The ground floor retail elements of the project, together with the expanded plaza area, will be compatible with pedestrian and cyclist use. In addition, the project substantially complies with Subchapter E, supports affordable housing initiatives, helps sustain the usability of a historic structure, preserves on-site trees, treats untreated, off-site stormwater, provides funding for off-site pedestrian improvements to be utilized by area residents and park users, creates a new public "storefront" for the Parks and Recreation Department and creates both a sustainable and architecturally interesting building, without any visible on-site parking from outside the project. The mixed-use project is designed to be compatible with private and public surrounding land uses.	See notes described below, especially the following: 3, 4, 6, 7, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37 and 38.
2. Provide for development standards that achieve equal or greater consistency with the goals in Section 1.1 than development under the regulations in the Land Development Code.	Yes	■ The project preserves the natural environment by saving a number of trees along Riverside Drive and Lee Barton Drive that would otherwise be lost. Additionally, the project showcases sustainable design features such as rain gardens, native planting, rain water harvesting and bio-swale systems in a public space with educational signage for green building features, and such water quality treatment extends to the capture and	NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND

211 S. Lamar PUD Tier 1 & Tier 2 Compliance
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FLOOR

BELOW GROUND

GRADE.

PARKING SPACES WILL NOT BE

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additional parking shall be

PROVIDED INTERIOR

PARKING.

FLOOR

PROJECT ON THE SOUTHERN

BOUNDARY OF THE PROJECT

steel structure instead of wood framing that is to east. The building steps back from Riverside pedestrian-oriented plaza open to the public at all imes. This feature is of particular importance in offering a link between the two major cultural institutions on either side of the project, Zach Scott Theater and the Long Center for the Performing Arts. The project creates a distinct corner at Riverside Drive and South Lamar Boulevard that will complement and enhance the Zach Scott The building will contain three levels of below grade parking, together with at-grade parking to presence of a parking garage from all sides of the a landscaped construction. The building will be a concrete and support the retail areas that are sheltered from view by those retail areas, eliminating the visual ace concept that steps down in height from west Theater as a gateway to the area south of Lady quality building. The architectural design utilizes a multi-Drive creating an extension of the pedestrian friendly green space of the hike and bike trail The project will create high quality development by lypically used for apartment buildings in this area. and high reatment of untreated off-site stormwater. Riverside Drive into design innovative across

 Given the location of the project, adequate public facilities and services are generally found in the 2



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		NOTE 37.
area. Additionally, the project will provide needed retail and restaurant space, and rent free space for the City of Austin Parks and Recreation Department for utilization as a "storefront". The ground floor retail and restaurant space will function as indoor/outdoor space and will work in conjunction with a vibrant public plaza that encourages pedestrian activity. The retail and restaurant space will function harmoniously with	the Zach Scott Theater, and will allow for a northward continuation of a retail presence from the current retail space located on the ground floor of the Bridges mixed-use project on the sites southern boundary to the intersection of Riverside Drive and South Lamar Boulevard, and then in an easterly direction along Riverside Drive to Lee Barton Drive. The proposed off-site improvements include additional sidewalks along Lee Barton Drive and Riverside Drive, as well as street crossing facilities that will help provide safe pedestrian connectivity to and from City of Austin parkland. This project will include City of Austin bike share facilities in the public plaza area, as well as enhanced bike parking for retail users of the Project. See additional notes referenced in this chart for other terms described herein.	The PUD is required to provide 4,215 square feet of
		Yes.
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THE DUAF OUR CAN	NOTE 3. I HIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING.	NOTE 4. THIS SITE IS WITHIN THE SOUTH LAMAR COMBINED NEIGHBORHOOD PLANNING AREA. NOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR
open space to meet the Tier I PUD requirement of 10% of residential space and 20% of nonresidential space. The PUD will provide a minimum of 4,636 square feet of open space.	The project will comply with the City's Green Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).	 The project is in compliance with all aspects of the Waterfront Overlay other than height, and the project does not exceed the Butler Shores Subdistrict maximum height limit. The design of the project respects the historic Paggi House on its southern border, the adjacent Bridges project on its southern border, and the
	Yes.	Yes
exceeds 10% of the residential tracts, 15% of the industrial tracts, and 20% of the nonresidential tracts within the PUD, except that: a. A detention or filtration area is excluded from the calculation unless it is designed and maintained as an amenity, and b. The required percentage of open space may be reduced for urban property characteristic that make open space infeasible if other community benefits are provided.	4. Comply with the City's Planned Unit Development Green Building Program.	5. Be consistent with the applicable neighborhood plans, neighborhood conservation combining district regulations, historic area and landmark regulations and compatible



STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN	NOTE 21. THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET ALTERNATIVE EQUIVALENT COMPLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (\$2.2.2.B); SUPPLEMENTAL ZONE WIDTH (\$2.2.2.C.1); GENERAL BUILDING PLACEMENT (\$2.2.2.D.1); CONTINUOUS SHADED
parkland across Lee Barton Drive to the east of the project, by having the "U" opening towards the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage. The project is within the South Lamar Combined Neighborhood Planning Area, a neighborhood plan has not been adopted for this area. The uses and design of the project are compatible with the Zach Scott Theatre located across South Lamar Boulevard by providing a	significant stepback from Riverside Drive (thereby preserving a view corridor to Lady Bird Lake from the outdoor patio on the second floor of the Zach Scott Theatre) and by providing retail and restaurant uses that will be utilized by patrons of the Zach Scott Theatre.
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SIDEWALK (§2.2.3.E.3); CONNECTIVITY (§2.3); PARKING REDUCTIONS (§2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (§2.7.3.C & D).	HAVE THE FOLLOWING DESIGN CHARACTERISTICS: A. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" FACING IN A SOUTHERLY DIRECTION. THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND AMENITY DECK. B. THE PROJECT WILL HAVE TWO BASIC BUILDING BLOCKS DESCRIBED AS FOLLOWS: I. THE FIRST BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 96 FEET AND WILL BE SITUATED (A) ALONG THE ENTIRE LENGTH OF THE PROJECT'S SOUTH LAMAR BOULEVARD EDGE; (B) ALONG THE ENTIRE LENGTH OF THE PROJECT'S

(C) ALONG THE PROJECT'S	CENERALLY FROM THE	RIVERSIDE D	EDGE TO A POINT	ELY	UDING B	FROM THE PROJECT'S	SOUTHERN PROPERTY LINE;	AND	II. THE SECOND BUILDING	MAXIMUM HEIGHT OF 78	FEET AND WILL BE (A) ON	THE EXTERIOR SIDE OF THE	"U"; (B) SITUATED ALONG A	PORTION OF THE PROJECT'S	RIVERSIDE DRIVE EDGE	(ALTHOUGH IT WILL NOT	EXTEND ALL THE WAY TO	THE PROJECT'S SOUTH	LAMAR BOULEVARD EDGE),	里	BARTON DRIVE CORNER,	DING ALC	PROJECT'S LEE BARTON	DRIVE EDGE TO THE	APPROXIMATE TERMINUS OF	THE FIRST BUILDING BLOCK	DESCRIBED IN SUBPART I	ABOVE;	EA ON THE LEE BAF	DRIVE EDGE BETWEEN THE
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THE PROJECT'S PARKING GARAGE.	NOTE 35. THE CURRENTLY ACCESS TO THE FOR PERSON DISABILITIES STALL BE ACPRIOR TO THE CONSTRUCTION PROJECT IF THE FOLUSE WILL CONTINUE TO A RESTAURAN CONSTRUCTION PROJECT, OR, ALTERNATIVE, IF HOUSE WILL NOT CONSTRUCTION PROJECT, THE SHALL BE ACRESTED FOR THE ISSUED FOR THE PORTION OF THE POR		inwater CURRENT LAND DEVELOPMENT quality CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER
		The owner will provide water quality controls superior to those otherwise required by Code	through the use of rain gardens, rooftop rainwater collection and other innovative water quality
		Yes.	
		6. Provide for environmental preservation and protection	ir qua s, buf

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QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPERTUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITES, ON OR ADJACENT TO SOUTH LAMAR BOULEVARD, OR ANOTHER LOCATION MUTALLY AGREED UPON BY THE CITY AND THE OWNER, THAT PROVIDE WATER QUALITY TREATMENT FOR CURRENTLY UNTREATED OFF-SITE AREAS WITH A MINIMUM DRAINAGE AREA OF 10,500 SF AND A MINIMUM 1,150 CF OF TREATMENT VOLUME WHICH IS AN AMOUNT GREATER THAN 25% OF THE PROJECT AREA.	SHOULD THE WATER QUALITY FACILITES TREATING OFF-SITE RUNOFF BE REMOVED BY THE CITY OF AUSTIN TO FACILITATE FUTURE IMPROVEMENTS IN THE SOUTH LAMAR BOULEVARD ROW INSTALLED BY OF THE CITY OF AUSTIN, THE OWNER OF THE SITE AT THAT TIME SHALL PROVIDE PAYMENT OF AN AMOUNT EQUAL
techniques. The rain gardens and rooftop rainwater collection design exceed the Code requirements (via capturing and treating off-site stormwater) and utilize the designs that meet "best practices". The project will also preserve several trees onsite via additional setbacks that would not be saved with a project developed under the standard Code regulations.	
environmental features, soils, waterways, topography and the natural and traditional character of the land.	

TO 25% OF THE TOTAL FEE CALCULATED BASED ON THE CURRENT ENVIRONMENTAL CRITERIA MANUAL'S APPENDIX T (REQUEST FOR FEE IN LIEU) AT THE TIME OF THIS PUD'S APPROVAL (\$	NOTE 32. THE PROJECT WILL PRESERVE TREES 1709, 1711, 1712, 3001, 3002, 3003, 3004, AND 3005 AS NOTED ON THE LAND USE PLAN. THE HALF-CRITICAL ROOT ZONES AS SHOWN ON THE LAND USE PLAN WILL REMAIN UNDISTURBED. THE PROJECT WILL DEVELOP AND ADOPT A FORMAL TREE CARE PLAN AS PART OF THE SITE DEVELOPMENT

EXTENDING

PHASE

FOLLOWING

Tier 1 & Tier 2 Compliance 211 S. Lamar PUD

NOTE 38. THE PROJECT WILL PROVIDE AND MAINTAIN THE THREE CURB INLET FILTERS IN THE EXISTING INLETS ON SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE, AND LEE BARTON DRIVE THE PROJECT WILL ADJACENT TO THE SITE.

WATERING AND WASHING OF

IREE LEAVES.

VITAMINS INJECTED INTO TREE

REGULAR

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TRUNKS,

QUALITY TOPSOIL, USE OF

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AT LE TEET OF US TO THE AL TO THE TE TO THE TO THE TE TO THE TE TO THE TE TO THE TE TO THE TO THE TE TO THE TO TH	NOTE 15. AN INTEGRATED PEST MANAGEMENT PROGRAM WILL BE IMPLEMENTED FOLLOWING THE GUIDELINES DEVELOPED BY THE GROW GREEN PROGRAM IN ORDER TO LIMIT THE USE OF PESTICIDES ON SITE.
Given the project's location, adequate school, fire protection, emergency service and police facilities exist to support the project. The project will provide 1,000 square feet of usable retail space within the project for use by the City of Austin Parks and Recreation Department to serve as a "public store-front" for their special events office or other retail uses as determined by the Department. Application of the Department.	The PUD will exceed the minimum landscaping requirements of the Code and require the utilization of native and adaptive species and non-invasive plants per the Grow Green Program. • 100% of all landscape planting on site will be those designated by the City of Austin Grow Green Native and adapted Plant Guide
, Yes.	Yes.
7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	8. Exceed the minimum landscaping requirements of the City Code.

211 S. Lamar PUD Tier 1 & Tier 2 Compliance

		(Note: 90% is required under	100% OF
		base regulations); • 100% of the all landscaping on site will be	LANDSCAPE PLANTING ON SITE WILL BE THOSE DESIGNATED BY
		irrigated by either stormwater runoff	THE CITY OF AUSTIN GROW
		conveyed to rain gardens or through the	GREEN NATIVE AND ADAPTED DI ANT GLIIDE OR CITY OF ALISTIN
		combination of both) [Note: 50% of all	RAIN GARDEN PLANT LIST.
		required landscaping is required to be) (
		irrigated in this manner - or be drought	NOTE 17: 100% OF ALL I ANDSCAPING ON SITE WILL BE
		regulations.]: and	IRRIGATED BY EITHER
		An Integrated Pest Management program	STORMWATER RUNOFF
		will be implemented following the guidelines	CONVEYED TO RAIN GARDENS OR
		developed by the Grow Green Program in	IHKOUGH INE USE
		order to limit the use of pesticides on site	F RAINWATER HARVESTIN
		(Note: this is not a requirement under the	¥
		base regulations).	HOWEVER,
			SHALL HAVE
			SUPPLEMENT
			LANDSCAPE IRRIGATION WITH
			WAI
9. Provide for appropriate	Yes.	• The project will be located along the City's new	NOTE 24. THE APPLICANT WILL
transportation and mass		bus rapid transit route, and within easy walking	PROVIDE FUNDING IN AN AMOUNT
transit connections to areas		distance of bus stops for that new route as well as	NOT TO EXCEED \$99,741 FOR
adjacent to the PUD district		normal bus service (Note: two existing Cap Metro	PEDESTRIAN IMPROVEMENTS IN
and mitigation of adverse		bus routes are on the same block as the project).	THE FOLLOWING LOCATIONS:
		Additionally, the most recent proposed new rail	A. A SIDEWALK ON LEE BARTON
s H		routes in the area show a rail route extending	DRIVE FROM THE NORTHERN
and roadways.		along Barton Springs Road and within easy	TERMINUS OF THE SIDEWALK
•		walking distance of the project.	ADJACENT TO THE BRIDGES
		• The PUD proposes enhancing sidewalks and	CONDOMINIUM PROJECT TO
		pedestrian connectivity both on-site and off-site.	SOUTHEASTER
		Such proposed off-site improvements include	THE SILE (SIDEWALK

																								_			\neg
AED TO BE LOCA THE CURREN	PAVED PORTION OF LEE	BARTON DRIVE); R A SIDEWAIK ALONG THE	SOUTHERN EDGE	DRIVE FR	CORNER OF LEE BARTON	DRIVE AND RIVERSIDE DRIVE	THE EXISTING	OUTHERN	RIVERSIDE DRIVE LOCATED	JUST EAST OF THE RAILROAD	ij	CROSSWALK ACROSS LEE	ا	NE	RIVERSIDE DRIVE.	SUCH IMPROVEME	MUST BE APPROVED BY THE	OF AUSTIN AND THE C	NILL WILL	1	CONSTRUCTION OF SUCH	IMPROVEMENTS. SUCH FUNDING	L BE PROVIDED F	THE ISSUANCE OF A	CERTIFICATE OF OCCUPANCY	FOR THE RESIDENTIAL PORTION	OF THE PROJECT.
funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of	the Bridges project), a sidewalk connecting the	Southeast corner of Lee Barton Drive and	railroad overbass on Riverside Drive and a safe	pedestrian crossing at Lee Barton Drive (crossing	Lee Barton Drive at Riverside Drive).	 Two charging stations for electric vehicles will be 	provided in the parking garage.																				



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			THE PROJECT TWO F TWO F SPACES VEHICLE CHA THE PRO GARAGE. VEHICLE CHA VILL BE AVAILABI RESIDENTS OI AND PATRONS C EASE SPACE.
10. Prohibit gates roadways	Yes.	No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)	Z. AYS THI NT P ED).
preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	Yes.	 The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant and remains in its current size, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking spaces currently. 	NOTE 7. DRIVEWAYS ALONG SOUTH LAMAR BOULEVARD AND LEE BARTON DRIVE WILL BE PERMITTED IN ACCORDANCE WITH THE SITE DEVELOPMENT PERMIT PROCESS CONFORMING TO APPLICABLE TRANSPORTATION CRITERIA MANUAL ORDINANCES, UNLESS WHERE SPECIFICALLY MODIFIED WITHIN THESE PUD NOTES; PROVIDED, HOWEVER EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.



211 S. Lamar PUD Tier 1 & Tier 2 Compliance
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	If the Pannish changes its use in	NOTE 22. THE PROJECT WILL
	the future the project shall still be required to park	HAVE THE FOLLOWING DESIGN
	such use in the project parking garage at City	CHARACTERISTICS:
	Code parking levels.	A. THE PROJECT WILL UTILIZE A
	The project design will relocate elevator access	"U-SHAPED" DESIGN WITH THE
	to the Paggi House from its present location on	OPEN PORTION OF THE "U"
	the northwest side of the Paggi House to a new,	5
	more accessible location at the northeast corner	DIRECTION. THE OPEN
	of the Danci House property	
	of the radge road property.	ON THE SECOND LEVEL OF
		THE ABOVE-GRADE
		STRUCTURE AND WILL BE A
		PRIVATE COURTYARD AND
		DECK.
		B. THE PROJECT WILL HAVE TWO
		BASIC BUILDING BLOCKS
		Q
		I THE FIRST BUILDING BLOCK
		WILL HAVE A MAXIMUM
		HEIGHT OF 96 FEET AND
-		WILL BE SITUATED (A) ALONG
		THE ENTIRE LENGTH OF THE
		PROJECT'S SOUTH LAMAR
		BOULEVARD EDGE; (B)
		ALONG THE ENTIRE LENGTH
		OF THE PROJECT'S
		RIVERSIDE DRIVE EDGE; AND
		ALONG THE PRO.
		LEE BARTON DRIVE EDGE
		GENERALLY FROM THE
		CT'S RIVERSIDE
		<u></u>
		TELY
		(EXCLUDING BALCONIES)

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FROM THE PROJECT'S SOUTHERN PROPERTY LINE; AND	II. THE SECOND BUILDING BLOCK WILL HAVE A MAXIMUM HEIGHT OF 78	WILL BE (A) (RIOR SIDE OF TI	PORTION OF THE PROJECT'S RIVERSIDE DRIVE EDGE (ALTHOUGH IT WILL NOT	EXTEND ALL THE WAY TO THE PROJECT'S SOUTH	LAMAR BOULEVARD EDGE), WRAPPING THE PROJECT'S	RIVERSIDE DRIVE/LEE BARTON DRIVE CORNER,	AND EXTENDING ALONG THE PROJECT'S LEE BARTON	DRIVE EDGE TO THE	THE FIRST BUILDING BLOCK DESCRIBED IN SUBPART I	ABOVE; C. THE AREA ON THE LEE BARTON	DRIVE EDGE BETWEEN THE	UTHERN EDG	DESCRIBED IN PARAGRAPH B	ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY	CONTAIN A ROOF OR SHELTER

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			DISABILITIES SHALL BE THE BE T
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			PROJECT IF THE PAGGI HOUSE
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			CONSTRUCTION OF THE
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			ALTERNATIVE, IF THE PAGGI
			HOUSE WILL NOT OPERATE AS A
			RESTAURANT DURING
			NO
			PROJECT, THE RELOCATION
			BE
			BEFORE THE ISSUANCE OF A
			CERTIFICATE OF OCCUPANCY IS
			ISSUED FOR THE RESIDENTIAL
			PORTION OF THE PROJECT.
12. Include at least 10 acres of	Yes.	The property is characterized by special	
ŧ		circumstances. The PUD is surrounded by public	
characterized by special		roadways on three sides (including two Core Transit	
circumstances, including		Corridor roadways) and with parkland adjacent to	
		two of those roadways. The project is also located	
constraints.		within the City of Austin Waterfront Overlay area. At	
		this time, the only viable way to achieve the	
		additional desired height, together with the adjacent	
		setbacks from those roadways, is through the PUD	
		process.	

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	NOTE 21. THE PLANNED UNIT DEVELOPMENT AS APPROVED SHALL MEET COMPLIANCE COUNTLIANCE STANDARDS FOR THE FOLLOWING PROVISIONS OF LAND DEVELOPMENT CODE SUBCHAPTER E (DESIGN STANDARDS AND MIXED USE): SIDEWALK ZONES (PLANTING & CLEAR) INCLUDING TREE SPACING (\$2.2.3.E.3); CONNECTIVITY (\$2.3); PARKING PLANDED SIDEWALK (\$2.2.3.E.3); CONNECTIVITY (\$2.3); PARKING REDUCTIONS (\$2.4); PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES (\$2.7.3.C & D). NOTE 22. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE OPEN PORTION OF THE "U" WILL BE ON THE SECOND LEVEL OF THE ABOVE-
Superiority	The PUD substantially complies with the Commercial Design Standards and intends to seek alternative equivalent compliance to obtain full compliance. Note: Generally, the need to request alternative equivalent compliance is to allow the unique design of the project, including the enhanced public plaza area.
Compliance	, √es.
Tier I - Additional PUD Requirements for a mixed use development	Subchapter E (Design Standards and Mixed Use)





GRADE STRUCTURE AND WILL BE A PRIVATE COURTYARD AND	AMENITY DECK.	B. THE PROJECT WILL HAVE TWO RASIC BILLING BLOCKS	DESCRIBED AS FOLLOWS:	I. THE FIRST BUILDING BLOCK	v	-	SITUATED (A) ALONG THE	5	PROJECT'S SOUTH LAMAR	BOULEVARD EDGE; (B) ALONG	THE ENTIRE LENGTH OF THE	PROJECT'S RIVERSIDE DRIVE	EDGE: AND (C) ALONG THE	PROJECT'S LEE BARTON) 36E	FROM THE PROJECT'S	()	POINT APPROXIMATELY 45	ð	FROM THE PROJECTS	SOUTHERN PROPERTY LINE;	QNA	II. THE SECOND BUILDING	BLOCK WILL HAVE A MAXIMUM	HEIGHT OF 78 FEET AND WILL	THE EXTE	OF THE "U"; (B) SITUATED	PROJECT'S RIVERSIDE DRIVE	EDGE (ALTHOUGH II WILL NOT	EXTEND ALL THE WAT TO THE
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USE): SIDEW & CLEAR) INC (§2.2.2.B); S WIDTH (§, BUILDING PL CONTINUOUS (§2.2.3.E.3); PARKING PRIVATE CC AND PEDE (§2.7.3.C & D)	AMOUNT ORIENTED USES" (AS SECTION 25-2-691(C)) AI LAMAR BOULEVARD, DRIVE AND LEE BAR SHALL BE A MINIMUM THE CUMULATIVE (EXCLUDING DRIVEWA AND OTHER PROJEC NOT TYPICALLY IN "FRONTAGE" CA ALONG THOSE ROADV SUCH REQUIREMENTS IN MORE THAN 50% USABLE SPACE OF ALL COOLED SPACE ON T FLOOR OF THE PRC DEVOTED TO " ORIENTED USES" AS F SECTION 25-2-692(H).
	The project contains pedestrian-oriented uses on all three street frontage sides totaling 75% of the cumulative frontage of those sides (excluding driveway openings and other project facilities not typically included in "frontage" calculations).
	Yes.
Sidewalk and Building Placement).	3. Contain pedestrian oriented uses as defined in Section 25-2-691(C) (Waterfront Overlay District Uses) on the first floor of a multi-story commercial or mixed use building.

211 S. Lamar PUD Tier 1 & Tier 2 Compliance

Tier II Requirement	Compliance	Superiority	PUD Note
1. Open Space – Provide open space at least 10% above the requirements of Section 2.3.1.A (Minimum Requirements). Alternatively, within the Urban Roadway boundary established in Figure 2 of Subchapter E of Chapter 25-2 (Design Standards and Mixed Use), provide for proportional enhancements to existing or planned trails, parks, or other recreational common open space in consultation with the Director of the Parks and Recreation Department.	Yes.	The PUD is required to provide 4,215 square feet of open space to meet the Tier I PUD requirements and 4,636 square feet of open space to meet the Tier II PUD requirement of 10% above the Tier I requirement. The PUD will meet or exceed 4,636 square feet of openspace onsite without seeking an alternative interpretation for the calculation of open space.	NOTE 37. THE MINIMUM AMOUNT OF OPEN SPACE WITHIN THE PROJECT SHALL BE 4,636 SQUARE FEET WHICH IS 10% ABOVE THE TIER I MINIMUM. OPEN SPACE SHALL BE CALCULATED IN ACCORDANCE WITH CHAPTER 25-2 SUBCHAPTER E SECTION 2.7 PRIVATE COMMON OPEN SPACE AND PEDESTRIAN AMENITIES.
2. Environment: a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls superior to those otherwise required by code. c. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater.	Yes.	 This PUD will not request any exceptions or modifications of environmental regulations. The project will provide water quality controls sufficient to meet the elevated Tier II standards identified in subpart "d" through the use of rain gardens and bio-filtration areas. The project prohibits uses that may contribute to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing, Kennels and Service Stations). Such uses are presently allowed on the site pursuant to existing zoning and other regulations. 	NOTE 25. THE DEVELOPMENT SHALL MEET OR EXCEED ALL CURRENT LAND DEVELOPMENT CODE REQUIREMENTS WITH RESPECT TO ON-SITE WATER QUALITY TREATMENT AS REVIEWED AND APPROVED BY THE CITY OF AUSTIN AT THE TIME OF SITE DEVELOPMENT PERMIT APPLICATION. ADDITIONALLY, THE APPLICANT SHALL CONSTRUCT AND MAINTAIN IN PERPERTUITY RAIN GARDENS, OR OTHER CITY OF AUSTIN APPROVED WATER QUALITY FACILITES, ON OR

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STRUCTURAL CONTROL FUND. SUCH PAYMENT SHALL BE MADE BY THE LANDOWNER WITHIN 180 DAYS OF RECEIPT OF NOTICE FROM THE CITY OF AUSTIN FOLLOWING THE REMOVAL OF SAID WATER QUALITY FACILITIES. NOTE 38. THE PROJECT WILL PROVIDE AND MAINTAIN THE THREE CURB INLET FILTERS IN THE EXISTING INLETS ON SOUTH LAMAR BOULEVARD, RIVERSIDE DRIVE, AND LEE BARTON DRIVE ADJACENT TO THE SITE. SEE LIST OF PRHOBITED USES ON	NOTE 3. THIS PLANNED UNIT DEVELOPMENT WILL COMPLY WITH THE CITY OF AUSTIN GREEN BUILDING COMMERCIAL PROGRAM WITH A (MINIMUM) THREE-STAR RATING. RATING. NOTE 18. THE PROJECT SHALL PROVIDE ART APPROVED BY THE ART IN PUBLIC PLACES PROGRAM IN A PROMINENT OPEN SPACE, EITHER BY PROVIDING THE ART DIRECTLY OR BY MAKING A CONTRIBUTION TO THE CITY'S ART
	Builder
	Green Green red by the
	e Austir rt approv-site.
	meet th ar level. orovide a gram on-
	The project will meet the Austin Green Builder program at a 3-star level. The project will provide art approved by the Art In Public Places Program on-site.
	The project program The project Public Pl
	, ≺es.
distributed nanner that the most as of the are not otected. pervious t least 50% all paved non-aquifer as. uses that ute to air or pollutants. her creative neasures.	Austin Green Builder Program - Provides a rating under the Austin Green Builder program of three stars or above. Art - Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In Public Places Program or a
of or and or	Builder rating u Builder or abov open roviding by mis by m
cover and di areas in a mar preserves the environmentally sensitive areas site that a otherwise prote Provides paving for at le or more of a areas in no recharge areas. Prohibits us may contribute water quality po Employ other	Austin Green Builder Program - Provides a rating under the Austin Green Builder program of three stars or above. Art - Provides art approved by the Art In Public Places Program in open spaces, either by providing the art directly or by making a contribution to the City's Art In
. <u>.</u> . <u></u> ×	3. Aust Aust Of the Program of the P



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Subchapter

The PUD is subject to, and will comply with, the

Chapter 25-2,

requirements in

applicable.

ğ

Great Streets - Complies with

S.

City's Great Streets Program,

subject to the requirements of

development that is

Ö

retail,

Chapter 25-2, Subchapter E

mixed-use

Applicable only to commercial

program

successor

Design Standards and Mixed

(Design Standards and Mixed Use)

AND

(0R

PROGRAM. ALTERNATIVELY, WITH

SUCCESSOR

Tier 1 & Tier 2 Compliance

211 S. Lamar PUD

THIS

CODE

MIXED

ZAND

				(§2.7.3.C & D).
٠.	Community Amenities – Provides community or public amenities, which may include space for community meetings, day care facilities, non-profit organizations, or other uses that fulfill an identified community need.	Yes.	• The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on a reservation basis, and subject to reasonable rules and regulations.	A A A A A A A A A A A A A A A A A A A
<u> </u>	Transportation – Provides bicycle facilities that connect to existing or planned bicycle routes or provides other multimodal transportation features not required by code.	Yes.	 The project will provide bicycle parking for retail patrons, as well as its residents, at above-Code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area or in the planting or supplemental zone of adjacent streets. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide funding for off-site pedestrian improvements along Lee Barton Drive and Riverside Drive (including sidewalks and a 	NOTE 24. THE APPLICANT WILL PROVIDE FUNDING IN AN AMOUNT NOT TO EXCEED \$99,741 FOR PEDESTRIAN IMPROVEMENTS IN THE FOLLOWING LOCATIONS: A. A SIDEWALK ON LEE BARTON DRIVE FROM THE NORTHERN TERMINUS OF THE SIDEWALK ADJACENT TO THE BRIDGES CONDOMINIUM PROJECT TO THE SOUTHEASTERN EDGE OF THE SIDEWALK SITE (SIDEWALK PRESUMED TO BE LOCATED WITHIN THE CURRENTLY



	#: - #: - #	DAVIED PODTION OF LEE
	crosswalk) to increase the walking connectivity in	
	tne general area of tne site.	B.A. SIDEWALK ALONG THE
		THERN EDGE
		DRIVE FR
		CORNER OF LEE BARTON
		DRIVE AND RIVERSIDE DRIVE
		TO THE WESTERN TERMINUS
		둜
		THERN E
		JUST EAST OF THE RAILROAD
		C CREATION OF A PEDESTRIAN
		CROSSWAIK ACROSS
		BARTON DRIVE AT THE
		CTION OF LEE BAR
		DRIVE AND RIVERSIDE DRIVE.
		ALL SUCH IMPROVEMENTS MUST
		BE APPROVED BY THE CITY OF
		AUSTIN AND THE CITY OF AUSTIN
		WILL BE RESPONSIBLE FOR
		CONSTRUCTION OF SUCH
		IMPROVEMENTS. SUCH FUNDING
		SHALL BE PROVIDED PRIOR TO THE
		ISSUANCE OF A CERTIFICATE OF
•		RESIDENTIAL PORTION OF THE
		PROJECT.
		! !
		NOTE 27. THE PROJECT WILL PROVING BICYCLE
		FACILITIES:

A. BICYCLE PARKING FOR KETAIL PATRONS OF THE PROJECT AT	A LEVEL EQUAL TO OR	EXCEEDING THE GREATER OF	(1) 120% OF CODE REQUIRED PICYCLE BARKING FOR SLICH	REA OR (2) 10 BIG	PARKING SPACES. ALL SUCH	PARKING SPA	7	GROUND FLOOR OF THE	PARKING GARAGE, WITHIN THE	OR WIT	THE PLANTING OR	Ō	ANY OF THE ADJACENT	ROADWAYS;	B. BICYCLE PARKING FOR THE	RESIDENTS OF THE PROJECT.	DED IN A SEC	LOCATION WITHIN THE	PROJECT'S PARKING GARAGE;	AND	C. IF ELECTED BY THE CITY OF	AUSTIN WITHIN TWO (2) YEARS	OF THE ISSUANCE OF A	LIFICATE OF	FOR THE RESIDENTIAL	PORTION OF THE PROJECT, A	PUBLIC "BIKE SHARE KIOSK" IN	A LOCATION MUTUALLY	ACCEPTABLE TO THE CITY OF	ALISTIN AND THE APPLICANT IN

			PUBLIC PL
			AREA OR THE PLANTING OR
			SUPPLEMENTAL ZONE ALONG
			RIVERSIDE DRIVE. SUCH "BIKE
			SHARE KIOSK" SHALL BE SIZED
			AS DESIRED BY THE CITY OF
			AUSTIN (BUT NOT TO EXCEED
			10 BIKE PARKING SPACES
			WITHOUT THE FURTHER
			CONSENT OF THE OWNER) AND
			SHALL BE OPERATED AND
•			AUSTIN CONSISTENT WITH
			THE GENERAL PROXIMITY OF
		7	THE PROJECT.
			NOTE 28 THE PROJECT WILL
			TWO PUBLIC DEDI
****			SPACES FOR ELECTRIC VEHICLE
			CHARGING WITHIN THE PROJECT'S
			PARKING GARAGE. SUCH
			ELECTRIC VEHICLE CHARGING
			SPACES WILL BE AVAILABLE FOR
			USE BY RESIDENTS OF THE
			PROJECT AND PATRONS OF THE
			RETAIL LEASE SPACE.
8. Building Design - Exceed the	Yes.	The project is required to have 1 point (Required	NOTE 29. THE PROJECT WILL
minimum points required by		Base Point) as listed on the City of Austin Building	IMUM OF 13
the Building Design Options		Design Calculation Worksheet.	BUILDING
of Section 3.3.2 of Chapter			OF SECTION 3.3.2 C
		The project will obtain a minimum of 13 points by	CHAPTER 25-2, SUBCHAPTER E
_		providing a variety of design options.	(DESIGN STANDARDS AND MIXED

	n e e e e e e e e e e e e e e e e e e e	IT WILL ACHIE
	<u> </u>	POINTS IN THE FOLLOWING
	W	MANNER, OR IN SUCH OTHER
	W	MANNER AS SHALL BE APPROVED
		BY THE CITY OF AUSTIN PURSUANT
) <u>T</u>	TO SECTION 3.3.2 OF CHAPTER
	25	25-2, SUBCHAPTER E:
		A. THE PROJECT WILL ACHIEVE A
		3 STAR RATING UNDER THE
		AUSTIN GREEN BUILDING
		AM - 3 POINTS
		. HAV
		LINER STORES IN THE
		T'S GROUND FL
		RETAIL AREA - 2 POINTS
		C.THE PROJECT WILL HAVE
		FACADE ARTICULATION
		THROUGH A USE OF CHANGE IN
		MATERIALITY, REPEATING
		PATTERN OF WALL RECESSES
		AND PROJECTIONS, OR A
		CHANGE IN PLANE - 1 POINT
		D. A PRIMARY ENTRANCE WILL BE
		DEMARKED BY INTEGRAL
		PLANTERS, ENHANCED
		EXTERIOR LIGHT FIXTURES,
		AND ARCHITECTURAL DETAILS -
		1 POINT
		Ó
		DISTINCT ROOF DESIGN - 1
		POINT
		THE GLAZING
		ON THE GROUND FLOOR
		FACADE FACING STREETS OR

1954662555551121	MOTE 19. THE PROJECT WILL INCORPORATE GROUND FLOOR STRUCTURED PARKING THAT IS SCREENED FROM PUBLIC VIEW ON THE SOUTH LAMAR BOULEVARD EDGE, THE RIVERSIDE DRIVE EDGE AND THE LEE BARTON DRIVE EDGE. NO PARKING SHALL BE PROVIDED ABOVE GRADE OTHER THAN SUCH GROUND FLOOR PARKING. ALL ADDITIONAL PARKING. ALL ADDITIONAL PARKING SHALL BE PROVIDED BELOW GRADE. INTERIOR GROUND FLOOR PARKING SPACES WILL NOT BE VISIBLE FROM THE ADJACENT PROJECT ON THE SOUTHERN BOUNDARY OF THE PROJECT.
	 There is no above grade structured parking and no parking for the project that is visible to the public. The cumulative amount of pedestrian-oriented uses along the total street frontages of the project (excluding areas not typically included as "frontage" in such calculations) shall exceed 75%.
	\es
	9. Parking Structure Frontage – In a commercial or mixed-use development, at least 75% of the building frontage of all parking structures is designed for pedestrian-oriented uses as defined in Section 25-2-691 (C) (Waterfront Overlay District Uses) in ground floor spaces.

	nder.
	65
1E 8 7 7 2 2 2 E E C 8 8 C 1. C 11	NOTE 30. THE PROJECT WILL PARTICIPATE IN THE AFFORDABLE HOUSING OPTIONS PURSUANT TO THE PUD ORDINANCE. NOTE: FOR THESE PURPOSES, THE APPLICANT HAS ASSUMED, AND THIS PUD IS EXPRESSLY SUBJECT TO, THE INTERPRETATION OF THE PUD ORDINANCE THAT ALL AFFORDABLE HOUSING OPTIONS WILL BE CALCULATED ON THE DELTA BETWEEN THE F.A.R.THAT
	The project will participate in the affordable housing options pursuant to the PUD ordinance. Note: for these purposes, the applicant has assumed, and this PUD is expressly subject to, the interpretation of the PUD ordinance that all affordable housing options will be calculated on the delta between the FAR that the applicant proposes to need for the project and the FAR that could be achieved pursuant to existing zoning and existing applicable site development regulations, including section 25-2-714 of the Land Development Code (Additional Floor Area). Such participation will be provided by
	× × × × × × × × × × × × × × × × × × ×
	Affordable Housing – Provides for affordable housing or participation in programs to achieve affordable housing.
	10. Affordable Provides housing programs affordable

EGRESS FROM THE PROJECT TO SOUTH LAMAR BOULEVARD SHALL NOT BE ALLOWED.	NOTE 22. THE PROJECT WILL HAVE THE FOLLOWING DESIGN	A. THE PROJECT WILL UTILIZE A "U-SHAPED" DESIGN WITH THE	OPEN PORTION OF THE "U" FACING IN A SOUTHERLY	DIRECTION. THE OPEN PORTION OF THE "U" WILL BE	ON THE SECOND LEVEL OF THE ABOVE-GRADE STRUCTURE	Ж.	COURTYARD AND AMENITY DECK	ROJECT WILL HA	BASIC BUILDING BLOCKS	DESCRIBED AS FOLLOWS. I. THE FIRST BUILDING BLOCK	WILL HAVE A MAXIMUM	HEIGHT OF 96 FEET AND WILL	BE SHOATED (A) ALONG THE ENTIRE LENGTH OF THE	PROJECT'S SOUTH LAMAR	BOULEVARD EDGE; (B) ALONG	THE ENTIRE LENGTH OF THE	PROJECT'S RIVERSIDE DRIVE	EDGE; AND (C) ALONG THE PROJECTIS TEE BARTON	GF GFP	出
Code parking levels. The project design will relocate elevator access to the Paggi House from its present location on	the northwest side of the Paggi House to a new, more accessible location at the northeast corner of the Paggi House property.																			
								_							_**					



CHO)

	RIVERSIDE DRIVE EDGE TO A
	POINT APPROXIMATELY 45
) FROM
	PROJECT'S SOUTHERN
	PROPERTY LINE; AND
	II. THE SECOND BUILDING
	m
	MAXIMUM HEIGHT OF 78 FEET
	AND WILL BE (A) ON THE
	SIDE
	(B) SITUATED ALONG A
	PÓRTION OF THE PROJECT'S
	RIVERSIDE DRIVE EDGE
	(ALTHOUGH IT WILL NOT
	EXTEND ALL THE WAY TO THE
	PROJECT'S SOUTH LAMAR
	_ _
	WRAPPING THE PROJECT'S
	RIVERSIDE DRIVE/LEE
	BARTON DRIVE CORNER, AND
	EXTENDING ALONG THE
	r's Lee Bar
	DRIVE EDGE TO THE
	APPROXIMATE TERMINUS OF
	THE FIRST BUILDING BLOCK
	DESCRIBED IN SUBPART I
	ABOVE;
	C. THE AREA ON THE LEE BARTON
_	DRIVE EDGE BETWEEN THE
	SOUTHERN PROPERTY LINE
	AND THE SOUTHERN EDGE OF
,	THE TWO BUILDING BLOCKS
	DESCRIBED IN PARAGRAPH B

39

ABOVE MAY NOT BE FULLY ENCLOSED, BUT IT MAY CONTAIN A ROOF OR SHELTER STRUCTURE AS LONG AS SUCH ROOF OR SHELTER STRUCTURE IS NO HIGHER THAN 35 FEET AS MEASURED FROM THE PROJECT'S AVERAGE GRADE.	NOTE 31. PARKING FOR THE ADJACENT HISTORIC PAGGI HOUSE SHALL BE PROVIDED IN THE PROJECT'S PARKING GARAGE. AS LONG AS THE PRIMARY USE FOR THE PAGGI HOUSE REMAINS A RESTAURANT USE AND AS LONG	NGGI HOUSE KEI KENT SIZE (IN OUTDOOR SPA SPACES FOR TH LL BE PROVIDEI S PARKING GAR OF THE PAGG PARKING MEETI	CURRENI CODE PARNING REQUIREMENTS SHALL CONTINUE TO BE PROVIDED IN THE PROJECT'S PARKING GARAGE. NOTE 35. THE ELEVATOR CURRENTLY PROVIDING ACCESS TO THE PAGGI HOUSE FOR PERSONS WITH DISABILITIES SHALL

211 S. Lamar PUD Tier 1 & Tier 2 Compliance

DRIVE. SUCH RELOCATION SHALL BE ACCOMPLISHED PRIOR TO THE START OF CONSTRUCTION OF THE	PROJECT IF THE PAGGI HOUSE WILL CONTINUE TO OPERATE AS A	RESTAURANT DURING CONSTRUCTION OF THE PROJECT,	OR, IN THE ALLEKNATIVE, IF THE PAGGI HOUSE WILL NOT OPERATE AS A RESTAURANT DURING	OF THE PROJ	ACCOMPLISHED BEFORE THE ISSUANCE OF A CERTIFICATE OF	OCCUPANCY IS ISSUED FOR THE RESIDENTIAL PORTION OF THE	PROJECT.	4. 2.5% OF RESIDENTIA IN THE PROJECT SHALL B	FULLY ACCESSIBLE TYPE A DWELLING UNITS. NOTE: TO THE EXTENT THAT THE FOREGOING	CALCULATION RESULTS IN A	FRACTIONAL NUMBER, THE FRACTION SHALL BE ROUNDED UP	FOR PURPOSES OF THIS NOTE.	INTERNATIONAL BUILDING CODE, A	HAS SOME ELEME	THAT ARE CONSTRUCTED FOR ACCESSIBILITY IF G. 32-INCH	H DOORS
								The project will provide 2.5% of the units to be available for persons with disabilities. Note: This	represents a 25% increase above code requirements. Additionally, the applicant shall be	required to move the elevator presently serving persons with disabilities who desire access to the	adjacent Paggi House to a new, more accessible location					
								Yes.								
								12. Accessibility – Provides for		requirements.						

ARRANGEMENT FOR PROVIDING THE SPACE IS EXECUTED. BEFORE ARRANGEMENT TO THE DIRECTOR OF NEIGHBORHOOD HOUSING AND AUSTIN STANDARD METROPOLITAN STATISTICAL AREA USABLE SPACE AT A RENT 15% BELOW THE PREVAILING MARKET RENT WHEN OTHER SUBMIT THE LEASE OR OTHER 出上 PLACE OF BUSINESS IS IN THE EXECUTION, THE OWNER SHALL DEVELOPMENT OCCUPANCY IS ISSUED FOR THE ISSUANCE OF A CERTIFICATE OF INDEPENDENT RETAIL, RESTAURANT OR LOCAL PRINCIPAL THE PROJECT SHALL RESIDENTIAL PORTION OF BEFORE DEPARTMENT FOR REVIEW. OR FRANCHISEE WHOSE ONE LEASE ACCOMPLISHED COMMUNITY PROJECT. PROVIDE NOTE 13. 里 restaurant small businesses whose principal place of business is within the Austin metropolitan The proposed PUD provides space at affordable rates to one or more independent retail or statistical area. Yes. restaurant small businesses Provides space at affordable or more ō whose principal place of ousiness is within the Austin metropolitan statistical area. Business retail to one Small independent rates 13. Local



From: Tracey Carroll

Sent: Tuesday, December 11, 2012 9:58 AM

To: Heckman, Lee

Subject: CD-2012-0021 aka 211 S. Lamar Blvd.

Dear Mr. Heckman,

I understand that the City is in the early stages of review of the PUD for 211. S. Lamar Blvd., and as an owner, I respectfully ask that you oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height of 60ft. permitted in the base zoning district (CS-V).

Although we welcome development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods and limit the migration of high-rises to the southern side of the river. While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe this site offers additional unique considerations, and as such, the developer should be required to honor existing zoning regulations. We respectfully request that the City consider the following factors when evaluating this particular PUD:

- Notably this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station/PICO/Park sites.
- This site serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake. It also is the starting point or end point on a stretch of Scenic Riverside Drive.
- It is the gateway to Zilker Park and the Austin Arts District, directly across Lamar Blvd. from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. Additionally, the site is far less than the ten acres generally required for a PUD. Density can be met within existing zoning.
- The site is next to Paggi House is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 ft.

We appreciate your attention and support.

Respectfully, Tracey Carroll. 210 Lee Barton Drive Unit 301 Austin, TX 78704 M. 682.300.8040



From: John Sumpter

Sent: Tuesday, December 11, 2012 11:21 AM

To: Heckman, Lee

Subject: Opposition of 211 Lamar Blvd zoning exceptions

File Number: CD-2012-0021_

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across
 Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for
 Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is my understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant
 community benefit to necessitate the approval of the requested 96-foot height. This staggering
 height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than
 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
 Additionally, the following information has not been provided:
- Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- Maximum floor-area ratio;
- Total square footage and whether structured parking facilities are proposed;
- Maximum impervious cover;



- Minimum setbacks;
- Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
- All civic uses by type and proposed site development regulations; and
- A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

John Sumpter 210 Lee Barton Dr #213 Austin TX 78704



From: Ken Rochlen

Sent: Tuesday, December 11, 2012 12:04 PM

To: Heckman, Lee

Subject: Re: Rezoning request 211 S.Lamar file CD-2012-0021 PUD

Based on the currently available information for the 211 S.Lamar PUD that would allow an exception to the current existing zoning and height requirements of 60 feet. we have seen no evidence that there is ANY community benefit to the requested 96 foot height. All 106 of the original buyers at Bridges (210 lee barton) were told that a companion condo of the same height and description was in the plan for the Taco Cabana property. We bought on that basis. The PUD proposal is 60% higher than our building and significantly higher than the Zach. In addition adding more units simply creates more traffic nightmare on an already overcrowded corner of Riverside and Lamar. Keep south of the river at 60 feet!

Ken Rochlen Bridges on the Park #618



From: Lilit Mouradian

Sent: Tuesday, December 11, 2012 12:05 PM

To: Heckman, Lee

Subject: Opposition of 211 Lamar Blvd zoning exceptions

File Number: <u>CD-2012-0021</u>

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While I understand a few PUD applications have been granted south of downtown and in the Waterfront Overlay, I believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. I respectfully ask that you consider the following factors when evaluating this PUD application:

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which
 makes it distinct from the PUD applications approved for the RunTex and Filling Station
 sites
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- This location is the gateway to Zilker Park and the Austin Arts District as it is directly across Lamar Blvd from the Zachary Scott Theatre on the west and a neighbor to the Long Center for Performing Arts on the east.
- I do not believe PUDs are neither intended to provide "spot zoning" for developers nor
 are they designed to provide "special privilege" to individual owners. The size of this site
 is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently,
 the historic structure is accessible to the neighborhood and the city as a
 whole. However, it is my understanding that it may only be accessible to inhabitants of
 the future development on any sort of regular basis.
- Thus far, I have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than 210 Lee Barton Dr, my current place of residence, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, I am unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD. Additionally, the following information has not been provided:
- Description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
- Maximum floor-area ratio;
- Total square footage and whether structured parking facilities are proposed;
- Maximum impervious cover;



Minimum setbacks;

 Number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;

All civic uses by type and proposed site development regulations; and

• A total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

Although I welcome the development of the site, I ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river.

On a final note, although residents of my building have attempted to communicate with the developer and his representatives to find solutions that would alleviate concerns and result in a project that would augment the existing neighborhood, no responses have been seen since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Lilit Mouradian 210 Lee Barton Dr #516 Austin TX 78704



From: Chris Jordan

Sent: Tuesday, December 11, 2012 1:38 PM

To: Heckman, Lee

Subject: FW: 211 S. Lamar

Mr. Lee Heckman

City of Austin Planning and Development Review Department

Re: File Number: <u>CD-2012-0021</u>

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Council Members:

As a pre-construction buyer on the top floor overlooking the site in question, I was told that any project built next door would not exceed the height of our building.

The quality and methods of construction were far less than we were led to believe. Finish out and workmanship turned out to be subpar.

We are now told that it would not make business sense to build at 60' tall and that for it to be economically feasible they need to go to 96'. This is simply CLB Partners attempting to salvage as much value as possible from the original land investment since the Bridges on the Park project was a financial disappointment.

CLB Partners, the Bridges on the Park developer, were entirely uncooperative in addressing construction defects throughout every facet of the development.

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes
it distinct from the PUD applications approved for the RunTex and Filling Station sites.



- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they
 designed to provide "special privilege" to individual owners. The size of this site is far
 less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks;
 - o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).



On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Chris Jordan, Unit 604 Bridges on the Park Intercity Investments 4301 Westside Drive Dallas, TX 75209



From: Saundra Jain

Sent: Tuesday, December 11, 2012 3:53 PM

To: Heckman, Lee

Subject: File Number: CD-2012-0021

Lee Heckman, AICP City of Austin Planning & Development Review Dept. One Texas Center 505 Barton Springs Road, 5th FI Austin, Texas 78704

RE: File Number: <u>CD-2012-0021</u>

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

December 11, 2012

Dear Mr. Heckman.

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which
 makes it distinct from the PUD applications approved for the RunTex and Filling Station
 sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed
 to provide "special privilege" to individual owners. The size of this site is far less than
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- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
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Sincerely, Saundra and Rakesh Jain 210 Lee Barton #602 Austin, Texas 78704



From: Claudia Davila C.

Sent: Tuesday, December 11, 2012 4:56 PM

To: Heckman, Lee Cc: Chris Aune

Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: <u>CD-2012-0021</u>

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Sincerely,

Claudia & Christian Aune 210 Lee Barton Dr #511 Austin, TX 78704



From: ryancrossland@hsbc.com.hk

Sent: Tuesday, December 11, 2012 7:30 PM

To: Heckman, Lee

Subject: File Number: CD-2012-0021

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Sincerely,

Ryan Crossland

Associate Director | Global Investment Banking The Hongkong and Shanghai Banking Corporation Limited HSBC Main Building, 1 Queen's Road Central, Hong Kong



From: David Edrich

Sent: Thursday, December 13, 2012 10:34 AM

To: Heckman, Lee

Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP

City of Austin

Planning & Development Review Dept.

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum. I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich 210 Lee Barton Drive Unit #417





December 11, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council 301 W. Second Street Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment; Item 91 on Austin City Council's Agenda for December 13, 2012

Dear Council Members:

As owners of Bridges on the Park Condominiums, we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. This is Item 91 on Council's agenda for December 13, 2012.

The site is approximately 0.993 acres and is located on West Riverside Drive between South Lamar Boulevard and Lee Barton Road. For many years, Taco Cabana has leased this site. Bridges on the Park abuts the site directly to the south (for your reference, our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

Although we understand that the City is in the early stages of review of the PUD, we respectfully ask that you consider the input of Bridges on the Park owners.

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.



- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to
 provide "special privilege" to individual owners. The size of this site is far less than the ten acres
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- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The existing PUD documents do not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:
 - A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
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 - o all civic uses by type and proposed site development regulations; and
 - o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).



Although we welcome the development of the site, we ask that the City preserve the uniqueness of south shore neighborhoods rather than allowing downtown high-rises to move south of the river. We have included these concerns in a valid petition, which was submitted to Lee Heckman in the City's Planning and Development Review Department.

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would enhance our neighborhood, we have not received a response from anyone since mid-September.

In addition to shutting us out of the development process, as several of you are aware, the developer has refused to turn over control of the Bridges on the Park Condominium Association, Inc. to the owners. The developer's failure to turn over control has not only denied the owners their rights under the condominium documents, it has negatively impacted owners' ability to sell or refinance their units at Bridges on the Park. Many owners and prospective buyers have encountered significant problems with lenders when financing or refinancing. Because Bridges on the Park owners lack control, Bridges on the Park is considered a "non-warrantable" condominium project, and therefore, the units at Bridges on the Park are not eligible for Freddie Mac or Fannie Mae financing.

Despite numerous attempts by our attorney to work with the developer's legal counsel in good faith, we have received no written response; our first request for turn over was made on December 20, 2011. This lack of responsiveness from the developer and his legal counsel as well as the financial difficulties that our existing owners and prospective owners continue to face have left us no recourse other than to file a lawsuit to compel compliance with our governing condominium documents as well as applicable Texas law. Our attorney, James Cousar of Thompson & Knight, filed suit on our behalf on November 14, 2012.

Based on our considerable experience with the developer, we have serious doubts that we can trust a project of "superior" quality will be built at 211 South Lamar when we have been unable to achieve a reasonable level of cooperation thus far.

Thank you in advance for your time and assistance.

Sincerely,

Robert Wilson, President Sushma Jasti Smith, Vice President Claudia Davila, Secretary & Treasurer Bridges on the Park Condominium Association, Inc.

Enclosure: signed and dated Valid Petition

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department



File Number: <u>CD-2012-0021</u>

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Austin City Council

Based on the existing information for the 211 South Lamar PUD, we oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

While a few PUD applications have been granted south of downtown and in the Waterfront Overlay, we believe that this site offers additional unique considerations that were not applicable to the previously approved PUDs, and as such, the developer should be required to honor existing zoning regulations. We respectfully ask that you consider the following factors when evaluating this PUD application:

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 makes it distinct from the PUD applications approved for the RunTex and Filling Station
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Exhibit C - 20



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Sincerely,

Oleg and Laura Buzinover

210 Lee Barton Drive

Unit 303

Austin, TX 78704



File Number: <u>CD-2012-0021</u>

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Sincerely,

Jerry and Janet Doyle 210 Lee Barton #416 Austin, Texas 78704



December 11, 2012

File Number: <u>CD-2012-0021</u>

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Exhibit C - 24



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Julie Blahnik

Sincerely,

John Spotts / Julie Blahnik

210 Lee Barton Dr.

Unit 311

Austin, TX 78704



From: Saundra Jain

Sent: Tuesday, December 11, 2012 3:53 PM

To: Heckman, Lee

Subject: File Number: CD-2012-0021

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From: Claudia Davila C.

Sent: Tuesday, December 11, 2012 4:56 PM

To: Heckman, Lee Cc: Chris Aune

Subject: CD-2012-0021 211 S. Lamar Blvd., Austin, TX 78704

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

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From: ryancrossland@hsbc.com.hk

Sent: Tuesday, December 11, 2012 7:30 PM

To: Heckman, Lee

Subject: File Number: CD-2012-0021

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Mr. Lee Heckman / Austin City Council

Based on the existing information for the 211 South Lamar PUD, I oppose any change to the Land Development Code that would allow an exception to the existing zoning requirements of the Waterfront Overlay and/or exceeds the maximum height permitted in the base zoning district (CS-V) of 60 feet.

- Notably, this site is less than 35 yards from the shoreline of Lady Bird Lake, which makes
 it distinct from the PUD applications approved for the RunTex and Filling Station sites.
- This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is next to the hike and bike trails along Lady Bird Lake.
- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the Zachary Scott Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than the Zachary Scott Theatre and 60 percent higher than our existing building, which was built to code at a height of 60 feet.
- The PUD application does not include sufficient information on the proposed project, and subsequently, we are unclear as to how it meets the Tier 1 and Tier 2 requirements for a PUD.
- In addition, the following information has not been provided:



- o A description of the proposed uses, including number and types of residential units and square footage of any proposed retail space;
 - o the maximum floor-area ratio;
 - total square footage and whether structured parking facilities are proposed;
 - o maximum impervious cover;
 - o minimum setbacks:
- o the number of curb cuts or driveways serving a non-residential project, which shall be the minimum necessary to provide adequate access to the site;
 - o all civic uses by type and proposed site development regulations; and
- o a total amount of open space that equals or exceeds 10 percent of the residential tracts and 20 percent of the nonresidential tracts within the PUD (§2.3. C).

On a final note, although we have attempted to communicate with the developer and his representatives to find solutions that would alleviate our concerns and result in a project that would augment the existing neighborhood, we have not received a response since mid-September. We wonder how we can trust that a project of "superior" quality will be built when we have been unable to achieve a reasonable level of cooperation thus far.

Sincerely,

Ryan Crossland
Associate Director | Global Investment Banking
The Hongkong and Shanghai Banking Corporation Limited
HSBC Main Building, 1 Queen's Road Central, Hong Kong



From: David Edrich

Sent: Thursday, December 13, 2012 10:34 AM

To: Heckman, Lee

Subject: File Number: CD-2012-0021:Rezoning Request: 211 S. Lamar Blvd

To Lee Heckman, AICP City of Austin Planning & Development Review Dept.

File Number: CD-2012-0021

Address of Rezoning Request: 211 S. Lamar Blvd., Austin, TX 78704

To: Lee Heckman and the Austin City Council,

I want to emphasis what everyone on the council should already know about the applicant for the PUD at 211 South Lamar. The applicant has not acted in good faith on his agreement to turn over the HOA to the owners of the condominium at 210 Lee Barton Drive, therefore why he should be granted exceptions, such as a PUD, to build another building, adjacent to it, I see not.

He has retained control over the 210 Lee Barton HOA well beyond the "turn over point" of 75% occupancy, well beyond when we had first asked for turn-over. This lack of turn-over, is extremely detrimental to me because I cannot refinance nor can I easily sell my unit, if I so chose, under these conditions due to the requirement of lenders that the HOA be under the control of the homeowners. The applicant appears to be holding onto this for no possible good reason. For this reason alone, I think you should reject any PUD request until this situation is resolved at a minimum. I can go over and mention more details which you should already know about, but the sum of it is, he is not acting in accordance with very important agreements he has made with respect to his current involvement in another building so, at this time, I cannot see how he can act with respect to any other agreement that he might make to others and the city.

To the extent that he has a right to build to the 60 feet height he should be able to do so, but there should be no exemption to any regulation that is in existence today to preserve the quality of the lake front area, along the waterfront and for the Paggi House.

Sincerely,

David Edrich 210 Lee Barton Drive Unit #417



bridges on the park

December 18, 2012

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Toyo

Austin City Council 301 W. Second Street Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums, we wrote to you last week regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

During the City Council's meeting on December 13, 2012, the preliminary presentation of this PUD was noted as item 91. Since the item did not allow for public comment, we would like to take this opportunity to address some of the statements made by the developer's representative, Mr. Steve Drenner, at the Council meeting.

First and foremost, the developer and his representatives have not been consulting with us in the manner that was portrayed. Mr. Drenner stated that the developer had been planning the proposed project in consultation with Bridges' owners for a year and a half. We have surveyed previous board members and other owners, and based on their responses, this timeline is inaccurate. The developer and his representatives made presentations to Bridges' owners on May 2, 2012 and September 4, 2012. In addition, two board members met with the developer and his representatives on July 17, 2012. In sum, as far as we are aware, the developer has met with Bridges' owners three times during the last seven months. In addition, since the last presentation in early September, the developer has not given us an opportunity to discuss how our concerns may be addressed or included us in the planning process. While we respect the property owners' right to develop this land, we feel that the numerous zoning exceptions



the developer is requesting for this project give us a stake in the changing character of our neighborhood. We ask that you provide us this opportunity and allow us to have a seat at the table while this project is being developed.

Regarding the matter of the developer turning over control of the Bridges on the Park Condominium Association, Inc., Mr. Drenner stated last week that the "principal is the same" in both the Bridges project and the proposed project for the Taco Cabana site. Although one individual associated with the Bridges project may be involved in some other capacity in the proposed project, he is not the legal owner of the Taco Cabana site or the applicant seeking City approval. This key fact that Mr. Drenner called a mere technicality during his presentation is what has and continues to cause significant financial difficulties for our existing owners as well as prospective buyers—financial difficulties that the developer and Mr. Drenner were made aware of in August of this year. As of today, although the documents were once again provided to the developer's attorney, he has yet to sign over control of our homeowners' association.

On a final note, we have several questions related to Mr. Jerry Rusthoven's comments to the Council Members this past Thursday. The staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, Mr. Rusthoven indicated that the maximum height is 96 feet. What is the accurate number? In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

As constituents who are unfamiliar with the planning and development process, we remain unclear as to how the planning ordinances should be read. Mr. Rusthoven's responses seem to indicate that the City Planning and Development Review staff has flexibility to reinterpret ordinances or, in some cases, to disregard certain ordinances. We would very much appreciate any information that you can provide us as to how we can better understand this process and which ordinances will control this development.

We have designated one board member as the point of contact, but we have included all of our contact information for your convenience:

- Point of contact: Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Once again, thank you for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President Sushma Jasti Smith, Vice President Claudia Davila, Secretary & Treasurer Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department



From: Sushma Jasti Smith

Sent: Monday, February 25, 2013 9:27 PM

To: Leffingwell, Lee; Cole, Sheryl; Martinez, Mike [Council Member]; Morrison, Laura; Riley, Chris; Spelman, William; Tovo, Kathie; Anderson, Greg; Moore, Andrew; Tiemann, Donna; Bojo, Leah;

Gerbracht, Heidi; Harden, Joi; Heckman, Lee

Cc: Robert Wilson; Claudia Davila C.; Cousar, James E.; Donisi, John

Subject: Bridges on the Park Board of Directors' letter re: 211 S. Lamar PUD application

Dear Mayor and Council Members:

Please find attached a letter from the Board of Directors of Bridges on the Park regarding the 211 S. Lamar PUD application. Given the recent media coverage and the proposed timeline for consideration of the PUD, we thought it prudent to write to you with our concerns.

Please note that the other two Board members Robert Wilson and Claudia Davila, our attorney Jim Cousar, and the developer's attorney John Donisi are copied on this email.

We look forward to your reply and hope to have your assistance.

Thank you, Sushma

Sushma Jasti Smith
Vice President
Bridges on the Park Association, Inc.
210 Lee Barton Drive #609
Austin, TX 78704
281.772.9618 (mobile)



bridges on the park

February 25, 2013

The Honorable Lee Leffingwell
The Honorable Sheryl Cole
The Honorable Mike Martinez
The Honorable Laura Morrison
The Honorable Chris Riley
The Honorable Bill Spelman
The Honorable Kathie Tovo

Austin City Council 301 W. Second Street Austin, TX 78701

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mayor and Council Members:

As owners of Bridges on the Park Condominiums (BOTP), we wrote to you twice in December of 2012 regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. Bridges on the Park abuts the site directly to the south (our address is 210 Lee Barton Drive). We are the only residents within a 200-foot radius of the proposed PUD.

We truly appreciate the responsiveness of the majority of Council to our letters. Your assistance helped to initiate communications with the developer's representatives at Winstead, including Mr. Steve Drenner and Mr. John Donisi. To date, we have had one meeting, which took place on January 17, 2013, with the developer's representatives. Since that time, we have received some follow up information from Winstead. However, the majority of the owners' questions remain unanswered.

We are concerned that recent media coverage gives the false impression that BOTP owners approve of the requested PUD (see enclosed <u>Austin American Statesman</u> and <u>Austin Business Journal</u> articles). The reality is that we have been waiting for information from the developer. In good faith, we have kept an open mind to the proposed development but we cannot endorse a zoning change of this magnitude until either the developer or the City staff provide us the information that we have been requesting for months.



For your reference, we have enclosed a list of follow up questions that we sent to Winstead on January 18, 2013. The items that remain unanswered and/or incompletely answered are highlighted in yellow. As you can see, most of our questions remain unanswered, even though it has been nearly six weeks since our meeting and the developer continues to finalize building plans with City staff.

Although we trust that you can review this list of items, there are several items of note that we request your attention:

- 1. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives, City staff, and Council Members. However, every schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.
- 2. The most recent schematic shows that the proposed PUD has 0' setbacks on Lamar Blvd., Riverside Drive, and Lee Barton Drive. We ask that minimum setbacks be put in place. In particular, on Lamar Blvd., we seek to ensure that the proposed building and sidewalks are built in alignment with our existing building. We fear that the schematic shows the proposed building will be built closer to the road than BOTP, and therefore, our owners whose balconies and windows face Lamar will be confronted by a 96-ft building, which is 60% higher than our building.
- 3. We are still waiting to learn where the base of the building is and how to calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House. We understand from the developer that the PUD site is six feet lower on average than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. Those familiar with Paggi House are aware that there are a significant number of stairs one must climb to get from the parking lot to the front door of Paggi House.
- 4. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. During our January 17th meeting, we asked the developer's representatives to address this issue. They offered to arrange a meeting with City Transportation staff, but we are still waiting on a time and place for this meeting.



- 5. We asked that several conditions be included as PUD notes. Based on the document provided by Winstead (see enclosure), these items are not included:
 - Filing a condo regime
 - Maintaining existing buffer with Paggi House
 - Prohibiting blockage of five north-facing hallway windows of BOTP
 - Requiring minimum setbacks (more than 0 ft) on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
 - Including sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

In addition to these aforementioned items, BOTP recently reached a sizeable settlement with the developer's insurance carrier with regard to faulty installation of the stucco exterior at BOTP. This poor installation by the builder has resulted in significant leaks throughout our building and garage. We are in the process of approving a bid for repairs and expect repairs to commence within the month. We would like the developer to ensure that, as they begin site preparation and construction, their building activities do not negatively impact our building with regard to shifts in our foundation, etc.

On a final note, we have not received answers to the questions that we posed to Council Members in our December 18, 2013 letter. For your reference, we have included the questions again herein below:

- 1. The City staff report for the PUD stated that the maximum height for Taco Cabana site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?
- 2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered at the Planning Commission and City Council, we write to you now to ask that you provide us with the answers to our questions and consider delaying consideration of the PUD until April to give BOTP owners an opportunity to truly be part of the planning process.

For your convenience, here is our contact information:

- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

CI/NZ

Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President Sushma Jasti Smith, Vice President Claudia Davila, Secretary & Treasurer Bridges on the Park Condominium Association, Inc.

cc: Lee Heckman, AICP, City of Austin, Planning and Development Review Department John Donisi & Steve Drenner, Winstead James Cousar, Thompson & Knight

Enc: Follow up items from January 17, 2013 meeting of BOTP owners & Winstead Proposed PUD document and schematic from Winstead

Austin American Statesman and Austin Business Journal articles

Plans for Taco Cabana site grow grander

Post prefers to build site bigger and as condos

JAN BUCHHOLZ

JBUCHHOLZ@BIZJOURNALS.COM

The multifamily project that will replace a downtown Taco Cabana restaurant will be taller and denser than originally proposed if developers gain approval for a rezoning

Stephen Drenner, an entitlement lawyer with Winstead PC, said his client—a partnership of Post Investment Group of Los Angeles and Ascension Development of Dallas—submitted new plans to the city for the al-

most 1-acre site at South Lamar Boulevard and Riverside Drive. The new design contemplates 96 feet of height, or about 10 stories — nearly 50 percent above the current limit of 65 feet.

The location is one of the few waterfront parcels left in downtown.

"This was a difficult decision because a rezoning takes time and the outcome is uncertain," Drenner said. "But they decided it was a special enough site to do something else besides a 65-foot apartment complex."

Simply called 211 South Lamar, the location is prime real estate with its access to the Lady Bird Lake trail, the Pfluger pedestrian bridge, the new Zach Theatre and Whole Foods Market Inc.'s flagship store.



SUBMITTED READERIN The building featured in this rendering is proposed for the corner of South Lamar Boulevard and Riverside Drive across the street from the new Zach Theatre. The site now holds a Taco Cabana restaurant. To get the project going, it'll take a rezoning.

The developers also hope to build condominiums to sell rather than apartments, which were planned as recently as last fall.

The Austin Business Journal broke the news in October 2012 that the site was earmarked for some form of residential development after years of languishing as a proposed hotel site.

Questions pending for rezoning

The rezoning application is in the hands of city staff, which has yet to make a recommendation to two environmental-related

boards, the Planning Commission and eventually the City Council.

"There's nothing substantial, in terms of the plans being problematic. Mostly, we just have questions about things that need clarification," said Lee Heckman, a case manager with city of Austin's Planning and Development Review Department.

Until those questions are answered, however, the rezoning application cannot move forward, Heckman said.

The developers are dangling some carrots at city staff and adjacent neighbors, who weren't enthusiastic about the original

apartment plans that were submitted.

For starters, the building configuration was a U-shape, which backed up to the Bridges on the Park condo development and blocked views. The new design flips the orientation such that there is a courtyard facing the existing condos with the mass of development more dominant along the streets—South Lamar Boulevard, Riverside Drive and Lee Barton Drive.

Should the rezoning prevail, the developers will incorporate about 10,000

Exhibit C - 40

BUILD: Neighbors, city planners scruitinizing new proposal for prime land downtown

side views of the lake. Some of the space would be donated for community art purdesigned to take advantage of the curbsquare feet of restaurant and retail space, poses. Other community space would be There would be three levels of belowgrade parking, none of which would be dedicated to a bicycle-sharing program. visible to passers-by.

The revised design also would preserve which would be removed if the rezoning is several stately trees along Riverside Drive, rejected, Drenner said.

f the rezoning fails, Drenner said the developer intends to move ahead with the original apartment plans without any retail and the public perks.

homeowners association and members of Drenner said the development team has been meeting with the Bridges on the Park the Zilker Neighborhood Association, and that they are optimistic about the outcome. "I think it's fair to say with the majority of

Thrganization supports the rezoning.

*We support responsible development, put we still have a lot of concerns about things like height, view corridors, traffic of Tracey Carroll, a spokeswoman for the Bridges on the Park, said there are still a folks it's been well-received," Drenner said. lot of questions to be answered before that

Whether the development will be for sale

Prices per square foot likely have never been higher than they were last year, with the average price of a condo in the Central Business District approaching \$700

per square foot, Heimsath

Sprague, state

Mark director

of information

capital at Independence Title, said inventory across

which tracks the condo mar-

of Capital Market Research,

if they can get it done," said Charles Heimsath, president

There's definitely a market

"It does make a lot of sense,

town and South Austin.

NICK SIMONITE | AB. Few will argue that this acre on Lady Bird Lake just south of downtown isn't underused.

and whether it fits the character of Zilker Park and Town Lake," Carroll said. "This site is in the Waterfront Overlay District and we want to make sure that it provides the city with superior development."

Demand for condos observed

or for lease has not been determined, but

for-sale product is direly needed in down-

Drenner said the developers would prefer a for-sale product. Apartment developers, however, have a much easier time securing capital with access to financing backed by opment still is very much dependent on conventional lending sources, which have been much harder to access since the recession. Nevertheless, two housing experts said Fannie Mae and Freddie Mac. Condo devel.

and South The 78701 ZIP code, which encompasses about 100 new condos left for sale in the downtown, had 212 sales in the 12 months, Sprague said. The average time on the market was 51 days. Given that there are only 78701 and 78704 South Austin ZIP codes, Sprague said, it's time for condo developers all classes and locations in downtown is in short supply - and especially

"Like everything currently in Austin, there is not enough inventory and a lot of demand," he said. to reemerge.



FOLLOW-UP ITEMS FROM 1/17/13 BOTP MEETING

1. Please confirm the proposed total number of units as well as the approximate number and square footage of the 1, 2, and 3 bedroom units. (Rhode)

These numbers are an approximation based upon the current configuration: 116 one bedroom units, at an average size of 775 s.f.; 46 two bedroom units, at an average size of 1250 s.f.; and 8 three bedroom units, at an average size of 1600 s.f.

2. Please confirm the proposed total number of parking spaces and the breakdown with regard to spaces for Paggi House, retail, guests, and owners/residents. (Rhode)

These numbers are an approximation based upon the current configuration: 305 total parking spaces, 238 provided for residents (behind the gate), and 67 provided for Paggi, retail and guests (not gated). These non-gated spaces will vary based upon time/day, serving retail during regular business hours and guests during other hours.

3. What are the setbacks on South Lamar, Riverside Drive, and Lee Barton Drive? On the South Lamar Drive, will the new building be flush with our existing building or will it be closer to the road? On Riverside Drive, how does the setback compare with the existing sidewalk where the proposed plaza will be as well as on the portion leading to corner with Lee Barton Drive? How do the proposed setbacks compare with what is required in code? For example, we know that the plaza area on Riverside will be more than what is required but we don't have the information along the remaining perimeter. (Rhode/Bury)

We are in the process of preparing exhibits on this.

4. Please provide information on the proximity of the proposed building to BOTP on the north face of BOTP. In particular, we are interested in how close the proposed building will be to the hallway window on the north side (i.e., the concerns that we expressed regarding lack of natural light and facing a solid wall). (Rhode)

See (3) above.

5. On a related note, what are the requirements for utility easements? And how would this affect the proximity of the two buildings (i.e., Are we required to have X number of feet on both sides of the property line?). (Bury)

We are not aware of any utility easement existing on the 211 South Lamar tracts that would impact the placement of structures.

6. Please provide perspectives from different elevations for BOTP owners. Please let us know when you will be able to visit our building, and we will ensure access to 3-4 units. At a minimum, it would be



useful for the owners to have perspectives from at least one east-facing unit, north-facing unit, and west-facing unit. (Winstead/Rhode)

Photos were taken by Winstead on Friday, February 8th from units 308 (east facing), 405 (north facing), 609 (east facing), and 610 (west facing) as well as from several of the north-facing hallway windows. BOTP is awaiting renderings based on these photos.

7. With regard to sidewalks on Lee Barton Drive, we discussed placement and potentially prohibiting parallel parking on one side of the road as well as adding meters. Would it be possible for you to schedule the meeting with City staff to discuss these items? (Winstead)

Amanda Swor to coordinate, as well as Leslie Pollack with HDR (transportation/traffic consultants); in process.

8. We also discussed the need to determine what type of privacy barrier would be needed by the proposed building's pool area. Would it be possible for your architect to give us some options to consider? (Rhode)

Architect is preparing renderings of privacy barriers.

9. You noted the inclusion of several conditions as notes in the PUD, and we very briefly discussed the possibility of a private restrictive covenant. Below, I've listed potential items that we would likely want included in the PUD notes and/or covenant. I'm assuming that the notes will require much more detail but wanted to get a better sense of what can/cannot be included. Would you review the items with the developer to determine which items are palatable? Also, I would appreciate it if you could refer me to an example of what PUD notes look like. It will give me a better idea of what to request from owners. (Winstead)

Potential PUD notes/conditions for private restrictive covenant:

- Proposed "U"-shaped design with 96 ft building (prohibit the reverse "U" where BOTP is blocked)
- Use of condo-grade materials
- Filing condo regime
- Maintain existing buffer with Paggi House
- Prohibit blockage of singular hallway window on the north face of BOTP
- Minimum setbacks on South Lamar Blvd., Riverside Dr., and Lee Barton Dr.
- Sidewalks and other safety improvements on Lee Barton Drive
- Privacy barrier (Winstead)

PUD notes are being developed as discussions continue with regard to project.



10. Clarify the property lines and potential building placement along the northern BOTP/southern TC boundaries, as well as any utility or access easements. (Rhode/Bury)

We are in the process of preparing exhibits on this.

11. Inquire as to a ROFR of BOTP owners to purchase units in 211 South Lamar Project. (Winstead/Cureton)

Owner is open to continued discussion on this item.

12. Clarify status of out-buildings on the Paggi House site, as well as 'temporary' improvements (not part of zoning case, but of concern). (Winstead)

A portion of the tract containing the Paggi House was zoned historic by the City of Austin on November 21, 1974 (Ord. No. 74-1121H). The owner proposes no change to an exterior architectural feature of any historic structure on the Paggi site.

13. Address "run-off" or draining from 211 South Lamar structure/roof to ensure no draining to BOTP site. (Rhode/Bury)

The 211 South Lamar tracts are, on average, 6 feet lower in elevation than the BOTP site. All "run-off" or drainage from the 211 South Lamar project is required to be captured on-site.

14. Clarify the type of pedestrian cross walk improvements contemplated for crossing of Riverside at Lee Barton. (Winstead)

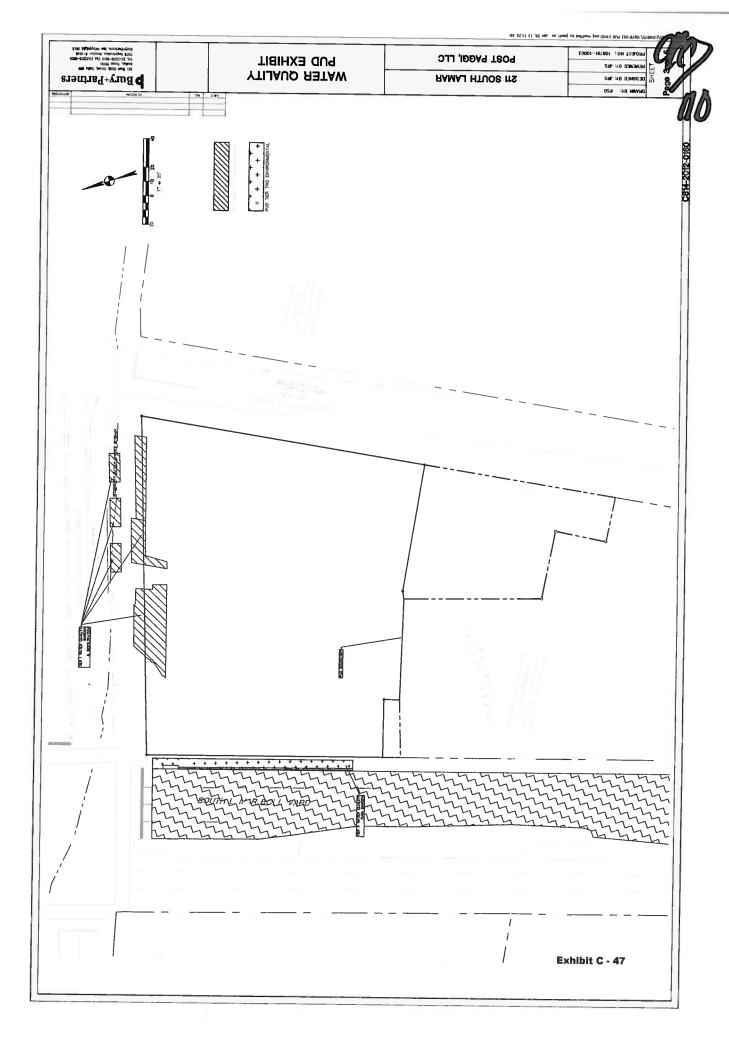
The owner has proposed enhancements to the existing pedestrian crosswalk of Riverside Drive at the eastern intersection with Lee Barton Road. All such improvements or enhancements must be approved and constructed by the City of Austin. Funding for the improvements or enhancements shall be provided by the owner.

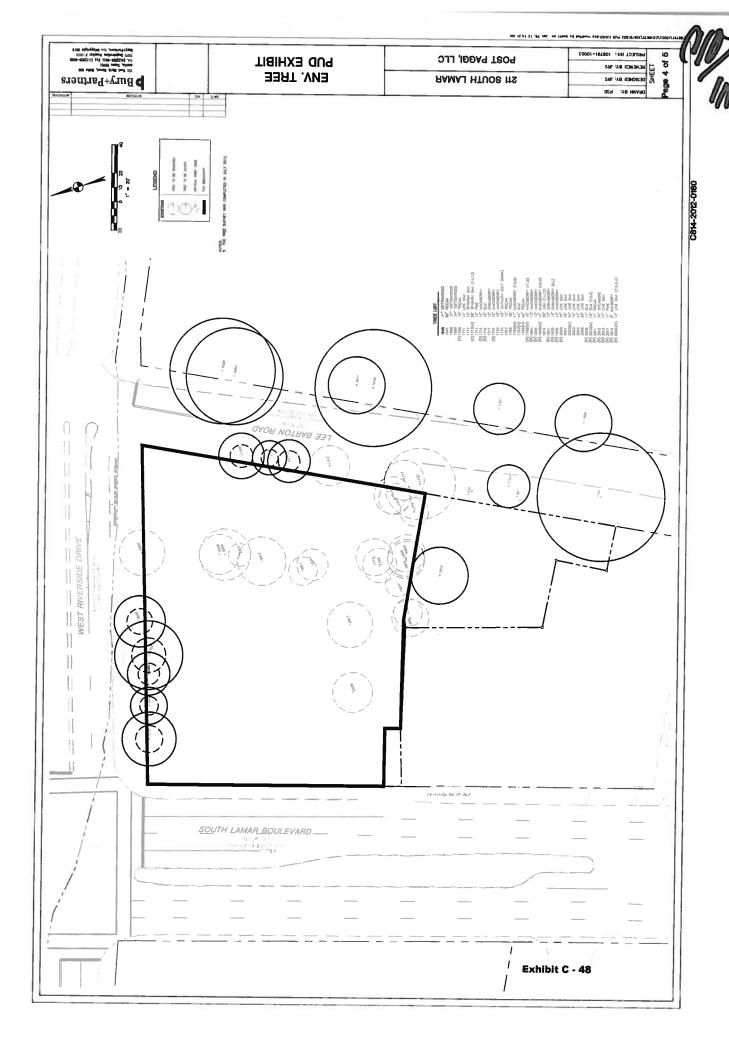
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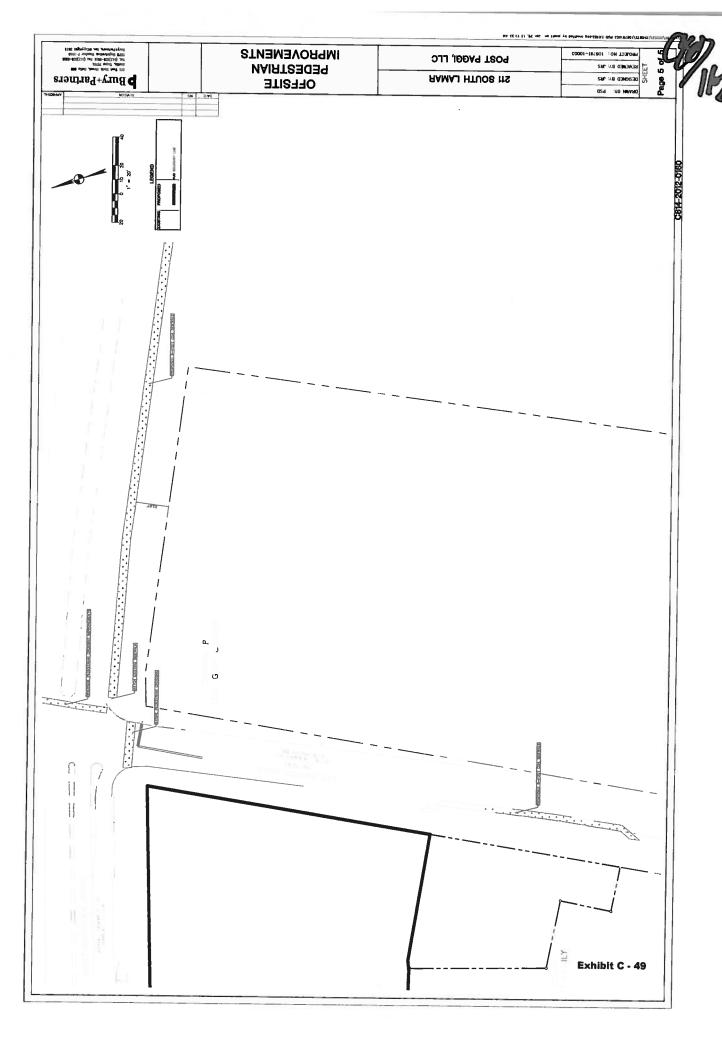
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From: Sushma Jasti Smith

Sent: Monday, March 04, 2013 6:30 AM

To: Heckman, Lee

Cc: Robert Wilson; Claudia Davila C.; Rusthoven, Jerry

Subject: letter from BOTP Board of Directors

Dear Mr. Heckman:

Please find attached a letter from the Bridges on the Park Association's Board of Directors, which is addressed to you and City staff. We have several questions and hope to receive answers quickly given the timeline for consideration of the 211 S. Lamar PUD application.

I have copied Robert and Claudia (the other Board members) on this message. I would appreciate it if you would reply to all of us.

Thank you, Sushma

Sushma Jasti Smith 210 Lee Barton Drive #609 Austin, TX 78704





March 4, 2013

Lee Heckman, AICP City of Austin Planning & Development Review Dept. One Texas Center 505 Barton Springs Road, 5th Fl Austin, Texas 78704

RE: 211 S. Lamar Blvd. Planned Unit Development Assessment

Dear Mr. Heckman and City staff:

As owners of Bridges on the Park Condominiums (BOTP), we write to you regarding the 211 South Lamar Planned Unit Development (PUD), which is located at 211 South Lamar Boulevard and 1211 West Riverside Drive and is within the Town Lake Watershed. For your reference, the case number is C814-2012-0160. BOTP abuts the site directly to the south (our address is 210 Lee Barton Drive), and we are the only residents within a 200-foot radius of the proposed PUD.

Based on the Land Use Plan dated February 21, 2013 (enclosed), there are several items of note that we request your attention:

The site is currently zoned general commercial services-vertical mixed use building (CS-V) combining zoning district and general commercial services (CS) zoning district. The tract is also located within the Butler Shores subdistrict of the Waterfront Overlay District. In addition, although not encumbered by the Capitol View Corridor Overlay, West Riverside Drive is a designated scenic roadway and subject to a Scenic Roadways Overlay. The developer is requesting a maximum height of 96 feet in the PUD, which is 36 feet higher than BOTP.

At this time, BOTP owners remain steadfastly opposed to a height variance exceeding the maximum 60 feet currently allowed under the CS-V designation. We believe that this site has unique characteristics, and as such, the developer should be required to honor existing zoning regulations. We ask that the City staff take into account the following factors:

 This location serves as the backdrop for the iconic Pfluger pedestrian bridge and is adjacent to the hike and bike trails along Lady Bird Lake.



- It is also the gateway to Zilker Park and the Austin Arts District as we are directly across Lamar Blvd. from the ZACH Theatre on our west and a neighbor to the Long Center for Performing Arts on our east.
- The site is next to Paggi House, which is designated as a historic building. Currently, the historic structure is accessible to the neighborhood and the city as a whole. However, it is our understanding that it may only be accessible to inhabitants of the future development on any sort of regular basis.
- PUDs are neither intended to provide "spot zoning" for developers nor are they designed to provide "special privilege" to individual owners. The size of this site is far less than the ten acres generally required for a PUD.
- Thus far, we have seen no evidence from the Dallas-based developer that there is significant community benefit to necessitate the approval of the requested 96-foot height. This staggering height is more than 20 feet higher than what the City approved for the newly constructed Topfer Theatre at ZACH. If approved as requested, the proposed building would dwarf Topfer Theatre, thereby diminishing the City's considerable investment.
- 2. Where is the base of the proposed building and how should we calculate the exact height of the proposed building in the context of BOTP, Zachary Scott Theatre, and Paggi House? We understand from the developer that the PUD site is six feet lower *on average* than BOTP. However, it is still not clear to us whether the entire site will be leveled for uniformity and whether "zero" base should be calculated from the Lamar Blvd. side, which is higher, or the Lee Barton Dr. side, which is considerably lower. We ask that City staff explain how this will be calculated.
- 3. The most recent plan shows that the proposed PUD has 0' setbacks on all four sides (Lamar Blvd., Riverside Drive, Lee Barton Drive, and Rear). It is our understanding that the minimum setback for CS and CS-V, which are the current zoning designations for the site, is 10 feet. If the existing height maximum of 60 feet is kept in place, then we ask that the minimum setback of 10 feet be required on all four sides of the proposed development. However, if the requested height variance of 96 feet (or any height greater than 60 feet) is granted to the developer, then we ask for a corresponding increase in the minimum setback. For example, if the developer is granted a maximum height of 96 feet, we ask for a minimum setback of 20 feet on all four sides. If the developer is granted a maximum height of 75 feet, then we ask for a minimum setback of 15 feet.
- 4. The developer's representatives keep stating on the record that there are no north-facing windows at Bridges on the Park. This is simply not true. In fact, we have five north-facing hallway windows that provide the only source of light for about half of the units in the building (approximately 50 units out of 104 total units). Ensuring the proposed building does not block these five windows is an item that we have mentioned on several occasions to the developer's representatives and Council Members. However, every



schematic that we have been provided shows that these windows will be blocked as the developer's plans indicate that the southern exterior wall of the proposed building will be built to the shared property line. We ask that these windows not be blocked, and that this condition be included in the PUD notes.

5. Pedestrian and vehicle safety on Lee Barton Drive is of great concern to BOTP owners. Currently, parallel parking is allowed on both sides of the road. As a practical matter, this has made the road a one-way street, as there isn't sufficient space for cars to pass in both directions at the same time. As proposed, it appears that the PUD will take up additional road space for a sidewalk, thereby rendering Lee Barton Drive even more impassable. We ask the City staff to consider prohibiting parallel parking on the western side of Lee Barton Drive and to put in place metered parking on the eastern side, which abuts the Butler Pitch and Putt.

In addition, the developer proposes to add a sidewalk on the portion of Riverside Drive that is adjacent to the northern edge of the Butler Pitch and Putt. It would appear that either the oleander bushes would have to be removed or additional road space would be needed to accommodate this sidewalk. Both of these options are not practical as there isn't sufficient road space and the oleander bushes serve as a natural barrier that protects pedestrians from wayward golf balls from the Butler Pitch and Putt. We ask that City staff maintain the status quo.

- 6. We ask that the following conditions be included as notes on the PUD:
 - Preserve maximum height of 60 feet as required by current base zoning designation
 - Require minimum setbacks of at least 10 feet on South Lamar Blvd., Riverside Dr., Lee Barton Dr., and Rear
 - Prohibit blockage of five north-facing hallway windows of BOTP
 - Include sidewalks and other safety improvements on Lee Barton Drive (only partially addressed)

We also have the following questions based on the City staff briefing to City Council on December 13, 2012:

- 1. The City staff report for the PUD stated that the maximum height for the site is 60 feet. However, at the preliminary briefing to City Council, Mr. Jerry Rusthoven indicated that the maximum height is 96 feet. What is the accurate number?
- 2. In addition, there were questions raised by Council Member Morrison regarding the ten percent calculation for the affordable housing set aside or contribution and whether the relevant median family income (MFI) figure should be an adjusted MFI or the citywide MFI. Who will address these questions? And where will we be able to learn the final determinations?

Given the quickness with which this PUD application will be considered by the Waterfront Overlay Advisory Board, the Environmental Board, the Planning Commission, and City Council, we would appreciate your answers as soon as possible.



For your convenience, here is our contact information:

- Robert Wilson, roberto@austin.rr.com, 512.656.4604
- Sushma Smith, jasti.smith@gmail.com, 281.772.9618
- Claudia Davila, claucarp@yahoo.com, 512.786.4268

Thank for your valuable time and assistance. We look forward to your response.

Sincerely,

Robert Wilson, President Sushma Jasti Smith, Vice President Claudia Davila, Secretary & Treasurer Bridges on the Park Condominium Association, Inc.



From: Yang, Edward (Research)

Sent: Wednesday, March 06, 2013 11:34 AM

To: Heckman, Lee

Cc: 'EHY'

Subject: C814-2012-0160, Public Hearing March 12, 2013 Planning Commission; March 28, 2013 City

Council

Dear Mr. Heckman,

Michael Simmons-Smith has already registered me as an Interested Party for this case.

Please submit this as my written objection to the zoning change for the above case number, project location 211 S. Lamar Blvd & 1211 W. Riverside Dr. I believe that the change would negatively impact the character and quality of the neighborhood, as well as contribute to the already choked off congested traffic, parking, and related safety issues in what is meant to be a park-like green environment next to Lady Bird trail.

I am also very concerned about the recent report in the Austin Statesman that the developers will be granted an exception to build taller than the normal 60-foot limit. The developer's paltry gesture for a \$420,000 contribution to the city's affordable housing fund is grossly insufficient when this is the typical cost of just a single condo unit in the neighborhood. I am a business man and not opposed to responsible development, but it is distateful and injurious to our community when developers can circumvent our rules and laws with a middling payoff. Thank you,

Sincerely,

Edward H. Yang (please accept this as my e-signature)

Oppenheimer Managing Director Chemicals Equity Research 512-314-2619

Address affected by this application: 210 Lee Barton Dr. Unit 215 Austin, TX 78704

This communication and any attached files may contain information that is confidential or privileged. If this communication has been received in error, please delete or destroy it immediately. Please go to www.opco.com/EmailDisclosures

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. organization that has expressed an interest in an application You may also contact a neighborhood or environmental affecting your neighborhood.

forwarding its own recommendation to the City Council. If the During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the DISTRICT to certain commercial districts. The MU combination of office, retail, commercial, and residential uses R 31612013 within a single development.

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

State recommendation. comments should include the board or commission's name, the scheduled I am in favor Written comments must be submitted to the board or commission (or the date of the public hearing, and the Case Number and the contact person シング contact person listed on the notice) before or at a public hearing. Your 3.4.13 S.L. object Public Hearing: Mar 12, 2013, Planning Commission o race 512.550.9987 Zening proxides If you use this form to comment, it may be returned to: Mar 28, 2013, City Council Contact: Lee Heckman, 512-974-7604 of Complex Case Number: C814-2012-0160 30 S. Lamer #40 Your address(es) pffected by this ap ampert Bulding Shoult. Your Name (please print) listed on the notice. Daytime Telephone: Alan Comments:

P. O. Box 1088

Lee Heckman

Planning & Development Review Department

City of Austin

Austin, TX 78767-8810



DAVE STEAKLEY
PRODUCING ARTISTIC DIRECTOR

ELISBETH CHALLENER MANAGING DIRECTOR

BOARD OF TRUSTEES EXECUTIVE COMMITTEE

JOY SELAK, Ph.D. PRESIDENT

BRUCE McCANN IMMEDIATE PAST PRESIDENT

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SECRETARY

HITEN PATEL
TREASURER

PATRICK O'DANIEL GENERAL COUNSEL

JOAN LAVA MEMBERSHIP COMMITTEE CHAIR

MINDY ELLMER
DEVELOPMENT COMMITTEE CHAIR

LAURA MERRITT EDUCATION COMMITTEE CHAIR

JANET MITCHELL
MARKETING COMMITTEE CHAIR

BETTYE NOWLIN AT-LARGE

MARCY MELANSON AT-LARGE

KATHLEEN GUION AT-LARGE

TRUSTEES

KATHY BOLNER SUE BRELAND **BRYAN CADY** MARIANNE CARROLL WAYNE CLARK WILL COOMBES BERRY CROWLEY DERRICK EVANS A. ROBERT FISCHER **JERRY GATLIN ERIC GROTEN** RICHARD HARTGROVE KATHY HUTTO JOHANNE IBSEN-WOLFORD DR. GERALD JACKNOW MITCH JACOBSON SCOTT JOSLOVE **DENNIS KARBACH** MIKE KENNEDY SUSAN LUBIN **BRIAN MCCALL** MIKE O'KRENT CANDACE PARTRIDGE MIKE PETERSON THE HONORABLE JIM PITTS THE HONORABLE EDDIE RODRIGUEZ **CAROLYN SERIFF DEANNA SERRA DONNA SNYDER** MARY HERR TALLY TOM TERKEL MORT TOPFER JIM WHORTON

City of Austin
Planning & Development Review Department

Case Number: C814-2012-0160 Contact: Lee Heckman, 512-974-7604

Public Hearing: March 12, 2013 – Planning Commission

March 28, 2013 - City Council

Dear Mr. Heckman,

This letter is to inform you that Zachary Scott Theatre Center (ZACH) objects to the rezoning request outlined in case number C814-2012-0160.

In 2008, ZACH was approved to build an 80 ft fly tower in the new Topfer Theatre. A copy of that particular ordinance is attached for your reference. In addition, at that time, ZACH agreed to support objections for requests of additional height buildings in the surrounding area, If asked to do so by the surrounding neighborhood associations.

As you can see from the ordinance, ZACH's right to height in excess of 60 ft was based on the unique requirements of a professional theatre building, which attributes do not apply to commercial or residential buildings. For that reason, the Topfer Theatre fly tower height is not an appropriate precedent to cite in support of additional height for nearby residential buildings.

Thank you for your time and consideration of this opposition.

Sincerely,

Elisbeth Challener

ZACH Managing Director

lisbeth Challener

Exhibit C - 57



ORDINANCE NO. <u>20080724-082</u>

AN ORDINANCE AMENDING CITY CODE SECTION 25-2-531 TO CREATE A HEIGHT LIMIT EXCEPTION FOR FLY TOWERS ASSOCIATED WITH A PUBLIC PERFORMING ARTS THEATER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 25-2-531 (Height Limit Exceptions) is amended to add a new Subsection (G) to read:

- (G) A fly tower that is constructed within a performing arts theater that seats 300 or more people may be up to 80 feet in height, regardless of the zoning district height limit, unless a lower height limit is required by City Code Chapter 25-2, Article 10 (Compatibility Standards) The fly tower must be
 - (1) located on land owned by the City of Austin, and
 - (2) designed and used for moving set pieces, lights, microphones, and other equipment on and off stage.
- PART 2. The city council finds that public performing arts theaters of sufficient size to include a fly tower for moving set pieces, lights, microphones and other equipment on and off stage generally provide significant community benefits
- PART 3. The city council directs the city manager not to consider the height of a fly tower granted a height exemption under Part 1 of this ordinance as a factor in any recommendation regarding height entitlements for structures in the surrounding area

PART 4. This ordinance takes effect on August 4, 2008.

PASSED AND APPROVED

July 24, 2008	§ Will Wynn Mayor
oy : mornoy	ATTEST: Shirley A Gentry City Clerk

Page I of I

PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to organization that has expressed an interest in an application speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental affecting your neighborhood.

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However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses DISTRICT to certain commercial districts.

within a single development. R O3/O8/2013For additional information on the City of Austin's land of development process, visit our website:

www.austintexas.gov

If you use this form to comment, it may be returned to:

Planning & Development Review Department

City of Austin

Austin, TX 78767-8810

P. O. Box 1088 Lee Heckman

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PUBLIC HEARING INFORMATION

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Public Hearing: Mar 12, 2013, Planning Commission

Contact: Lee Heckman, 512-974-7604 Case Number: C814-2012-0160

Mar 28, 2013, City Council

3/10/2013 O I am in favor A I object 210 LEE MARTON DRIVE # 411 AUXTIN TOTAL Daytime Telephone: 512.584 3408 Your address(es) affected by this application MONICA A GIZEENWELL to illow Signature Your Name (please print) Comments:

Austin, TX 78767-8810 P. O. Box 1088 Lee Heckman

If you use this form to comment, it may be returned to:

Planning & Development Review Department

City of Austin



Zilker Neighborhood Association

www.zilkerneighborhood.org • zilkerna@austin.rr.com 1115 Kinney Ave. #42 • Austin, TX 78704 • 512-447-7681

March 11, 2013

Waterfront Planning Advisory Board City of Austin

At the February 25, 2013, meeting of the Zilker Neighborhood Association, the general membership voted once again, as they have numerous times since the 1980s, to support the Waterfront Overlay and to oppose the construction of a highrise on the banks of the Colorado River. The subject of this particular vote was the PUD proposal at 211 South Lamar. In general, ZNA objects to the creation of this PUD on this site because:

- The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. The 60-foot maximum height limit must be enforced on this site.
- Besides the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces.
- Finally, the objective of the PUD ordinance is to "result in development superior to that which would occur using conventional zoning." ZNA has participated in ongoing efforts over the last 30 years to improve the development standards that are applied on the South Shore and all along S. Lamar. Those efforts have been codified in the WO, VMU, and current commercial design standards. The PUD proposed here does not meet those standards and will result in a project that is inferior even to nearby projects built before those standards were written into the Code.

The attached draft table addresses each of these points as they relate to the Tier I and II PUD requirements. As you will see, the PUD application seems to be a moving target, and our analysis has generated a great many questions. We hope that the board will postpone any decision on this PUD until these questions are answered and gaps in the information are filled.

Thank you for your service on this vitally important board.

Sincerely yours.

Lorraine Atherton Newsletter editor, on behalf of the ZNA Executive Committee



	• The primary objective of the Waterfront Overlay is to preserve the views and public open space along the river by preventing the construction of tall buildings too close to the river. A 96-foot high building 35 feet from the south end of the Lamar tially what the Waterfront Overlay was created to prevent. Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay was created to prevent. Bridge and the Pfluger pedestrian bridge is a classic example of what the Waterfront Overlay, ZNA's Vertical Mixed Use proposal, which was approved and praised by the Planning Commission and the City Council, governs both parcels in this case. The west parcel, fronting on S. Lamar, was opted into VMU with dimensional standards, affordability, and 60% parking reduction. From what we have seen so far, this PUD rejects the VMU options. The east parcel, on Lee Barton in front of the Paggi House, was specifically opted out of VMMU because of our desire to protect the historic Paggi House, its trees, and its connection to the waterfront and the adjacent public green spaces.
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concept that steps down in height from west Riverside Drive creating an extension of the below grade parking, together with at-grade eliminating the visual presence of a parking distinct comer at Riverside Drive and South pedestrian friendly green space of the hike landscaped pedestrian-oriented plaza open Lamar Boulevard that will complement and and bike trail across Riverside Drive into a parking to support the retail areas that are to the public at all times. This feature is of between the two major cultural institutions garage from all sides of the building. The sheltered from view by those retail areas, used for apartment buildings in this area on either side of the project, Zach Scott The building will contain three levels of architectural design utilizes a multiface Performing Arts. The project creates a gateway to the area south of Lady Bird to east. The building steps back from particular importance in offering a link enhance the Zach Scott Theater as a Theater and the Long Center for the

generally found in the area. Additionally, the The ground floor retail and restaurant space will work in conjunction with a vibrant public The retail and restaurant space will function Boulevard, and then in an easterly direction adequate public facilities and services are Department for utilization as a "storefront". and will allow for a northward continuation plaza that encourages pedestrian activity. harmoniously with the Zach Scott Theater will function as indoor/outdoor space and of a retail presence from the current retail restaurant space, and rent free space for space located on the ground floor of the the City of Austin Parks and Recreation southern boundary to the intersection of Bridges mixed-use project on the sites project will provide needed retail and Given the location of the project, Riverside Drive and South Lamar

- Steel structure is required of buildings over 75 feet in height. This is not an option. It also increases construction costs enormously, reducing the affordability and economic viability of the building.
- Structurally shielded ground level parking is required by the WO. It is not an option. The "innovative design" description, especially the hidden parking garage, sounds very much like what ZNA was promised during the rezoning case for the Post project at 1500 S. Lamar, about 10 years ago, before the current commercial design standards or VMU took effect. That project was completed a few weeks ago. Post can and should meet the same design standards within the WO.
- The Waterfront Overlay sets design standards that must be followed by any project in the overlay. The "storefront" is required by the WO at 60% partially see-through glass—so the facade on commercial first floor is a requirement, not an option.
- By this design, (as described by the Austin Business Journal) the open space is enclosed by the building, and therefore is not accessible to the public.
- Much of the existing ground level open green space will be replaced by the building footprint. This will significantly reduce the pervious cover for natural ground-level water filtration.
 - The rain gardens are not clearly defined, nor how they will be properly maintained for maximum effectiveness.
- "Front door" to the park: To be precise, this site is across the street from the Pfluger Bridge. To reach this "front door," walkers and cyclists leaving the trail area must navigate the intersection with the highest traffic counts (> 50,000) of any arterial in the entire city, an arterial to which this project proposes to add about 250 cars, not including the commercial parking. From what we have seen so far, every car associated with this project will come into conflict with walkers and cyclists trying to use the park and trail system. A 96-foot high visual barrier will not help. The PUD proposes no solution to the fundamental problems at this intersection.
 - Are they really suggesting that reducing the height of the east side of the building (to a level that is still 10 feet above the maximum) will extend the pedestrian-friendly parkland and trail across five lanes of traffic and through the building to an interior plaza? Really? Or is "landscaped pedestrian-oriented plaza" a reference to the Zachary Scott entrance, and the proposal is describing a visual link between the theater plaza, the theater's widely despised 75-foot fly tower, and the PUD's 75-foot wall of condos on Lee Barton. Really?
 - What does "distinct comer" mean? The sidewalk improvements required under the existing VMU and commercial

along Riverside Drive to Lee Barton Drive.





4. Comply with the City's Planned Unit Development	The project will comply with the City's Green	projects are paying huge parkland fees and also providing substantial open space onsite under VMU and commercial design standards. This PUD does not meet current standards for South Lamar projects.
Green Building Program. 5. Be consistent with the applicable neighborhood	Building Program at a 3-Star Level (Note: Staff has interpreted the base standard for this Tier I item to be participation in the City's Green Building Program at a 2-Star Level).	with the City's Green Building Program at a 3-Star Level. This is standard practice on S. Lamar (see item 2) The PUD is not consistent with the ZNA VMII plan.
regulations, ineignood conservation combining district regulations, historic area and landmark regulations and compatible with adjacent property and land uses.	aspects of the Waterfront Overlay other than height, and the project does not exceed the Butter Shores Subdistrict maximum height limit. The design of the project respects the historic Paggi House on its southern border, and the parkland across Lee Barton Dive to the east of the project, by having the "U" opening towards the historic property and Bridges project, including a step down in height as it approaches the southeast property line and by eliminating the view of any parking within the project from neighboring areas. The project further supports the historic Paggi House by providing all necessary parking for Paggi House uses in the project's parking garage. The project is within the South Lamar	• The location is a unique comdor view that cannot be replaced. No other south entrance into Downtown has this view of Town Lake. • The max height in the Butler Shores subdistrict is 60 feet. • The PUD does not respect the historic Paggi House or previous agreements with the adjacent Bridges project. ZNA does not have access to the agreements regarding protection of the Paggi House, but during construction of the Bridges, there was great concern about damage caused by excavation. The PUD proposes to cut off the Paggi House from Riverside and the river. • The "view corridor" from the second floor of Zach Scott is blocked by the existing 60-foot Bridges building. The height of the PUD building on Riverside will not change that. • The PUD does not make it possible for theater patrons to cross South Lamar. • Staff note 21 suggests that the PUD has requested Alternative Equivalent Compliance for subchapter E Design Standards and Mixed Use. Based on what ZNA has seen. the
	rea, a pted are tre rid by a view utdoor Scott	alternatives are not equivalent to the standards enforced at other VMU projects on South Lamar.
protection relating to air quality, water quality, trees, cbuffer zones and greenbelt areas, critical	The owner will provide water quality controls superior to those otherwise required by Code through the use of rain	Where are the specific details for the rain gardens and rooftop rainwater collection design? Eight existing trees will be removed according to the plans, and,



there will be less space available for green space on the ground floor. None of these appear to be superior to current projects on S. Lamar (see item 2). The PUD is not providing "additional" setbacks. The PUD is requesting zero setbacks and then offering to restore the required setbacks in limited areas.	Traffic backed up on the Lamar Bridge is a significant public safety and emergency response problem at this site. The PUD does not address its contribution to that problem. See also item 2. Where in the project will this space be provided? The first floor would be most accessible to the public. Free public parking should be provided in the on-site parking garage on the first floor.	It's important to remember that ground-level green space will be reduced by the project. The public needs to know the specific details for the size and location of rain gardens and rain harvesting equipment. The streetscape dimensions, trees, and other plantings appear to be reduced from those provided in other site plans that ZNA has reviewed for South Lamar projects. The choice of species and irrigation are trivial compared with the overall reduction in landscape and open space.	The bus stop locations must be confirmed with Capital
gardens, rooftop rainwater collection and other innovative water quality techniques. The rain gardens and rooftop rainwater. The rain gardens and rooftop rainwater collection design exceed the Code requirements (via capturing and treating offer is estormwater) and utilize the designs that rainwest "best practices". The project will also preserve several trees on site via additional setbacks that would not be saved with a project developed under the standard Code regulations.	dequate ncy service port the square feet project for and e as a "public on this office or by the	l exceed the minimum requirements of the Code and tilization of native and adaptive non-invasive plants per the Program. 100% of all antiting on site will be those by the City of Austin Grow and adapted Plant Guide serquired under base 100% of the all landscaping is required under base required under base of both) [Note: 50% of all scaping is required to be is manner - or be drought cies - under the base and - An Integrated Pest and - An Integrated Pest edso and or every the base and and and order to limit the deso on site (Note: this is not a under the base regulations).	,s
environmental features, soils, waterways, topography and the natural and traditional character of the land.	7. Provide for public facilities and services that are adequate to support the proposed development including school, fire protection, emergency service and police facilities.	o	9. Provide for appropriate transportation and mass



Metro. ZNA's information is that the rapid transit buses will have only 3 stops in the 5 miles from Riverside to Ben White, and a stop is not planned north of Barton Springs Road. The rapid transit buses are scheduled to replace the #3 bus route, so there will likely be only one route stopping north of Barton Springs Road, the 338, which does not go downtown or to UT. This PUD must include a plan to provide transit service appropriate to the increased density.		charging parking spaces.	The building design increases the building mass on Riverside Drive and Lee Barton beyond the WO height limit and blocks much of the unique Lady Bird Lake waterfront view from the Paggi House. See also item 5.	
new bus rapid transit route, and within easy walking distance of bus stops for that new route as well as normal bus service (Note: two existing Cap Metro bus routes are on the same block as the project). Additionally, the most recent proposed new rail routes in the area show a rail route extending along Barton Springs Road and within easy	walking distance of the project. The PUD proposes enhancing sidewalks and pedestrian connectivity both on-site and off-site. Such proposed off-site improvements include funding for a connecting side walk to the south (connecting to a sidewalk on the eastern edge of the Bridges project), a sidewalk connecting the southeast comer of Lee Barton Drive and Riverside Drive with the sidewalk east of the railroad overpass on Riverside Drive and a safe pedestrian	crossing at Lee Barton Drive (crossing Lee Barton Drive at Riverside Drive). • Two charging stations for electric vehicles will be provided in the parking garage. No gated roadways will be permitted within the PUD (Note: The parking areas within the project to be utilized by residents may be gated.)	The project has been designed to reduce building mass close to the Paggi House, and to incorporate height step downs (below what could be built under current zoning requirements) at the southeastern edge of the project (closest to the Paggi House). This will allow the Paggi House to be visible from a greater area to the north and east, including the Lady Bird Lake waterfront and Butler Pitch and Putt course. The project will permanently provide code required parking for the Paggi House property in the project parking garage. As long as the Paggi House remains a restaurant, the number of parking spaces provided in the new parking structure will be 40% greater than the on-site parking	spaces currently provided. If the Paggi
transit connections to areas adjacent to the PUD district and mitigation of adverse cumulative transportation impacts with sidewalks, trails and roadways.	st.	10. Prohibit gates roadways	11. Protect, enhance and preserve the areas that include structures or sites that are of architectural, historical, archaeological or cultural significance.	67



	 There are probably thousands of commercial properties of similar size in the city with public roadways on three sides. The Waterfront Overlay places no restrictions on the proposed land uses. Therefore there are no special conditions on the site other than the applicant's desire to exploit its location adjacent to Auditorium Shores and Lady Bird Lake to gain additional height, density, and market value. In 1986 the citizens of Austin codified the Waterfront Overlay to deal with the special circumstances of waterfront properties, specifically to prevent the construction of tall buildings too close to the riverbank. The special circumstances claimed here are addressed in the Waterfront Overlay. The maximum height allowed in this subdistrict of the WO is 60 feet. That is not a special circumstance confined to this property. A desire to 	bypass city code is not a legitimate reason to pursue a PUD.
House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels. The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast comer of the Paggi House property.	The property is characterized by special circumstances. The PUD is surrounded by public roadways on three sides (including two Core Transit Corridor roadways) and with parkland adjacent to two of those roadways. The project is also located within the City of Austin Waterfront Overlay area. At this time, the only viable way to achieve the additional desired height, together with the adjacent setbacks from those roadways, is through the PUD process.	
12 Inclines at least 10 cores of inclines	property is characterized by special circumstances, including unique topographic constraints.	



and other project facilities not typically included in "frontage" calculations).	ons to or This PUD will not request any exceptions of modifications of environmental b. or modifications of environmental conficial or or modifications of environmental controls sufficient to meet the elevated Tier if the project will provide water quality controls sufficient to meet the elevated Tier if standards identified in subpart "d" through the use of rain gardens and bio-filitation by code. controls sufficient to meet the elevated Tier if standards identified in subpart "d" through the use of rain gardens and bio-filitation by code. controls uses that may drainage controlle to air and water quality pollutants overall on the site pursuant to existing zoning and other regulations. controls sufficient to meet the elevated Tier if standards identified in subpart "d" through but new uses would not be allowed. We do not need a PUD here to prevent its use as a gas station. cerp. Automotive Repair Services, Automotive Washing coning and on the site pursuant to existing zoning and other regulations. density controls will provide water quality pollutants controls sufficient to meet the elevated Tier i Stations to the use of rain gardens and bio-filitation areas. The project prohibits uses that may drainage controlle to air and water quality pollutants (e.g., Automotive Repair Services, Automotive Washing zoning and on the site pursuant to existing zoning and other regulations. are regulations to a meet the elevated Tier to prevent its use as a gas station. by five controls washing to existing zoning and other regulations. controls water quality provent its use as a gas station. controls water quality provent its use as a gas station. controls water quality provent its use as a gas station. controls water quality provent its use as a gas station. controls water quality provent its use as a gas station. controls water quality provent its use as a gas station. controls wate
and	This modifications of environment a. Does not request exceptions to or modifications of environmental regulations. b. Provides water quality controls supenor to those otherwise required by code. C. Uses innovative water quality controls that treat at least 25% additional water quality volume and provide 20% greater pollutant removal, in addition to the uprovide water quality volume required by code. G. Uses innovative water quality volume and provide 20% greater pollutant removal, in addition to the untreated undeveloped off-site areas with a drainage contrarea of at least 25% of the subject tract. E. Reduces impervious cover or single-family density by 5% below the maximum otherwise allowed by code or include off-site measures that lower overall impervious cover within the same watershed by five percent below that allowed by code. f. Provide minimum 50-foot setback for unclassified waterways with a drainage area of five acres or greater. g. Provides at least a 50% increase in the minimum waterway and critical environmental feature setbacks required by code. h. Clusters impervious cover and distributed areas in a manner that preserves the most environmentally sensitive areas of the site that are



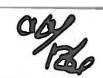
	tin Green vel.	pproved by the on-site.	ill comply with, Drenner indicated that the PUD is not subject to VMU standards 55-2, either. Does subchapter E differ from VMU standards?		le parking for Bike parking provisions in the Code are currently being revised. Sidents, at Does this PUD meet or exceed the proposed changes to the apublic "bike See Tier I items 2 and 9. I ally Free public showers for bicyclists should be provided. Lehicle wing garage. In and the chicle wing garage. I ally and the chicle wing garage. I all a chicle wing garage.	1 point In the PUD notes, 5 of the 8 design options appeared to be design
	The project will meet the Austin Green Builder program at a 3-star level.	The project will provide art approved by the Art In Public Places Program on-site.	The PUD is subject to, and will comply with, the requirements in Chapter 25-2, Subchapter E (Design Standards and Mixed Use).	The PUD will provide that neighborhood associations and other area non-profits shall have the right to utilize the approximately 250 square foot community meeting space within the project on a reservation basis, and subject to reasonable rules and regulations.	The project will provide bicycle parking for retail patrons, as well as its residents, at above-Code levels. Additionally, the PUD will allow for the placement of a public "bike share kiosk" at a location mutually acceptable to the City of Austin and the applicant in the project's public plaza area or in the planting or supplemental zone of adjacent streets. The project will provide two public dedicated spaces for electric vehicle charging within the project parking garage. The project will provide funding for off-site pedestrian improvements along Lee Barton Drive and Riverside Drive (including sidewalks and a crosswalk) to increase the walking connectivity in the general area of the site.	The project is required to have 1 point (Required Base Point) as listed on the City.
contribute to air or water quality pollutants. k. Employ other creative or innovate measures.	 Austin Green Builder Program – Provides a rating under the Austin Green Builder program of three stars or above. 		sts y to is		s not	8. Building Design – Exceed the minimum points Trequired by the Building Design Options of Section (F



3.3.2 of Chapter 25-2, Subchapter E (Design Standards and Mixed Use)	of Austin Building Design Calculation Worksheet. The project will obtain a	commercial design standards. We need to know more about the "distinct" roof and the
	Infillinum of 13 points by providing a variety of design options.	"sustainable" roof.
9. Parking Structure Frontage -In a commercial or	· There is no above grade structured	
mixed-use development, at least 75% of the building	parking and no parking for the project that is	
Irontage of all parking structures is designed for	visible to the public.	
pedestrian-onented uses as defined in Section 25-2-	· The cumulative amount of pedestrian-	
(0) (Waternon! Overlay District Uses) in ground	oriented uses along the total street	
	frontages of the project (excluding areas not	
	typically included as "frontage" in such	
10. Affordable Housing -Provides for affordable	The project will societies in the	
housing or participation in programs to achieve	housing options purement to the office	Post is proposing to cheat Austin and Zilker out of the 10% at 60%
affordable housing.	ordinance Note: for these primoses the	arrordability standard required under the VMU overlay. Allowing
	applicant has assumed and this DID is	trils project to calculate the affordable units on the delta, in stark
	expressly subject to the interpretation of	Violation or the code, Will result in a substantially reduced
	the PUD ordinance that all affordable	contribution to anordability. The developer of a smaller condo
	housing options will be calculated on the	ASOUTH COMPLETE OF DIOCKS to the West committed to provide
	delta between the FAR that the applicant	2007 in an effort to meet \ Mall effort to m
	proposes to need for the project and the	South an enough the VMU standards before the VMU
	FAR that could be achieved pursuant to	PIID based on smith fact many fact many and a second from the Post
	existing zoning and existing applicable site	appears to be trained to get would be about \$1.5 million, but Post
	development regulations, including section	appears to be trying to get away with \$400,000 or less.
	25-2-714 of the Land Development Code	
	(Additional Floor Area) Such participation	
	will be provided by either providing on-site	
	units or by paying a fee-in-lien (calculated	
	consistent with the assumptions above)	
11. Historic Preservation –Preserves historic	The project has been designed to reduce	See Tier Litems & and 11
structures, landmarks, or other features to a degree	building mass close to the Paggi House	
exceeding applicable legal requirements.	and to incorporate height step downs	
	(below what could be built under current	
	zoning requirements) at the southeastem	
	edge of the project (closest to the Paggi	
	House). This will allow the Paggi House to	
	be visible from a greater area to the north	
	and east, including the Lady Bird Lake	
	The Transfer Butter Pitch and Putt course.	
×	. The project will permanently provide code	
h	required parking for the Paggi House	
ibi	property in the project parking garage. As	
it	restaired the number of notice	
	provided in the new parking standard in	
	40% greater than the on-site parking	
	S	



at a	See item 10 on affordability.	Is the Paggi House eligible for this rent reduction?
spaces currently provided. If the Paggi House changes its use in the future the project shall still be required to park such use in the project parking garage at City Code parking levels. The project design will relocate elevator access to the Paggi House from its present location on the northwest side of the Paggi House to a new, more accessible location at the northeast comer of the Paggi House to any more accessible location at the northeast comer of the Paggi House	The project will provide 2.5% of the units to be available for persons with disabilities. Note: This represents a 25% increase above code requirements. Additionally, the applicant shall be required to move the elevator presently serving persons with disabilities who desire access to the adjacent Paggi House to a new, more accessible location.	The proposed PUD provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.
	12. Accessibility – Provides for accessibility for persons with disabilities to a degree exceeding applicable legal requirements.	13. Local Small Business –Provides space at affordable rates to one or more independent retail or restaurant small businesses whose principal place of business is within the Austin metropolitan statistical area.



PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition tidit those uses already allowed in the seven commercial zoning tidistricts. As a result, the MU Combining District allows the Ocombination of office, retail, commercial, and residential uses within a single development.

R 3/18/2013

For additional information on the City of Austin's land development process, visit our website:

www.austintexas.gov

comments should include the board or commission's name, the scheduled Written comments must be submitted to the board or commission (or the 13 Marel 2013 I am in favor date of the public hearing, and the Case Number and the contact person contact person listed on the notice) before or at a public hearing. Your M object Public Hearing: Mar 12, 2013, Planning Commission 10081 8 Mar 28, 2013, City Council RUSTIN ALSERBACH \ ∞ Lee BARTON DRAINY Your address(es) affected by this application Contact: Lee Heckman, 512-974-7604 545 Case Number: C814-2012-0160 Signature 917 Comments: In & Last Your Name (please print) 7 isted on the notice. Daytime Telephone: LRNEST Interes 200

If you use this form to comment, it may be returned to: City of Austin

Planning & Development Review Department Lee Heckman

P. O. Box 1088

Austin, TX 78767-8810